

On January 5, 2011 the Board affirmed OWCP's decisions dated October 13, 2009 and January 21, 2010, which denied appellant's claim. The Board found that the medical evidence of record was not sufficient to establish that appellant's bilateral carpal tunnel syndrome or bilateral hand tendinitis were causally related to factors of her federal employment. The facts of the case as set forth in the Board's January 5, 2011 decision are herein incorporated by reference.

In a letter received by OWCP on May 2, 2011, appellant requested reconsideration. In a report dated March 7, 2011, Dr. Elizabeth McKendry, a specialist in internal medicine, stated that appellant had bilateral carpal tunnel syndrome and bilateral tendinitis. She advised that the conditions were caused or aggravated by pushing carts, hand trucks and sorting mail. In an April 20, 2011 report, Dr. McKendry opined that appellant's claimed conditions were caused or aggravated by continuously grasping and sorting mail.

By decision dated October 28, 2011, OWCP denied modification of the January 21, 2010 decisions.

LEGAL PRECEDENT

An employee seeking benefits under FECA² has the burden of establishing that the essential elements of his or her claim including the fact that the individual is an "employee of the United States" within the meaning of FECA, that the claim was timely filed within the applicable time limitation period of FECA, that an injury was sustained in the performance of duty as alleged, and that any disability and/or specific condition for which compensation is claimed are causally related to the employment injury.³ These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁴

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (1) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; and (3) medical evidence establishing that the employment factors identified by the claimant were the proximate cause of the condition for which compensation is claimed, or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant. The medical evidence required to establish causal relationship is usually rationalized medical evidence. The opinion of the physician must be based on a complete factual and medical background of the claimant, must be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.⁵

² 5 U.S.C. §§ 8101-8193.

³ *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁴ *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁵ *Id.*

Appellant has the burden of establishing by the weight of the substantial, reliable and probative evidence, a causal relationship between her claimed bilateral carpal tunnel and hand tendinitis conditions and her federal employment. This burden includes providing medical evidence from a physician who concludes that the disabling condition is causally related to employment factors and supports that conclusion with sound medical reasoning.⁶

ANALYSIS

The Board finds that appellant failed to submit sufficient medical opinion which relates her claimed bilateral carpal tunnel or bilateral hand tendinitis conditions to factors of her employment. For this reason, she has not met her burden of proof.

Appellant submitted reports from Dr. McKendry, who related findings of pain on examination and diagnosed bilateral carpal tunnel syndrome and bilateral hand tendinitis. Dr. McKendry did not, however, provide a rationalized medical opinion addressing how the claimed conditions or disability were causally related to appellant's work as a mail clerk. She diagnosed bilateral carpal tunnel syndrome and bilateral tendinitis in her March 7 and April 20, 2011 reports and generally indicated that these conditions were caused or aggravated by her employment duties such as repetitive motions, handling, sorting and lifting mail. The reports from Dr. McKendry are of limited probative value as they do not provide a full history of injury or medical rationale explaining how appellant's conditions were caused or contributed to by her factors of employment.⁷ The weight of medical opinion is determined by the opportunity for and thoroughness of examination, the accuracy and completeness of physician's knowledge of the facts of the case, the medical history provided the care of analysis manifested and the medical rationale expressed in support of stated conclusions.⁸ Dr. McKendry did not sufficiently describe appellant's job duties with information including how often and how long she had performed the alleged duties, or explain the medical process through which such duties would have been competent to cause the claimed conditions. Her reports do not constitute adequate medical evidence to establish that appellant's claimed conditions were causally related to her employment.

An award of compensation may not be based on surmise, conjecture or speculation. Neither the fact that appellant's condition became apparent during a period of employment nor the belief that her conditions were caused, precipitated or aggravated by her employment is sufficient to establish causal relationship.⁹ Causal relationship must be established by rationalized medical opinion evidence and appellant failed to submit such evidence.

Appellant did not meet her burden of proof to establish that her claimed bilateral carpal tunnel and bilateral hand tendinitis conditions are causally related to her employment.

⁶ See *Nicolea Bruso*, 33 ECAB 1138, 1140 (1982).

⁷ *William C. Thomas*, 45 ECAB 591 (1994).

⁸ See *Anna C. Leanza*, 48 ECAB 115 (1996).

⁹ *Id.*

Appellant may submit new evidence or argument with a written request for reconsideration to OWCP within one year of this merit decision, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. §§ 10.605 through 10.607.

CONCLUSION

The Board finds that appellant has failed to meet her burden of proof to establish that her claimed bilateral carpal tunnel and bilateral hand tendinitis conditions were sustained in the performance of duty.

ORDER

IT IS HEREBY ORDERED THAT the October 28, 2011 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: September 13, 2012
Washington, DC

Richard J. Daschbach, Chief Judge
Employees' Compensation Appeals Board

Patricia Howard Fitzgerald, Judge
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge
Employees' Compensation Appeals Board