

By decision dated September 22, 2011, the Board affirmed OWCP's November 26, 2010 decision which denied her claim. The Board found that the medical evidence of record was not sufficient to establish that appellant's bilateral carpal tunnel syndrome was causally related to factors of her federal employment. The facts of the case as set forth in the Board's September 22, 2011 decision are herein incorporated by reference.

In a letter received by OWCP on November 16, 2011, appellant requested reconsideration through her attorney. She submitted a September 1, 2010 progress note and addendum from Dr. William S. Owens, Jr., a Board-certified orthopedic surgeon, who stated that: "[Appellant] is curious as to whether her job has caused her carpal tunnel syndrome. I told her it's difficult to know if it caused the carpal tunnel syndrome, but the motions she has described to me could certainly exacerbate her carpal tunnel syndrome. For that reason, I think it would be covered under work comp."

In a September 20, 2010 surgical report, Dr. Owens detailed procedures for a right endoscopic carpal tunnel release and right partial palmar fasciectomy.

In a March 3, 2011 report, Dr. Owens diagnosed appellant's condition as bilateral carpal tunnel syndrome. Regarding the history of injury, he stated that she had denied a specific history or injury or inciting event. Dr. Owens responded to a question regarding causal relationship by stating that "carpal tunnel can be caused by repetitive motion." Also submitted were a series of progress notes dated September 1 to November 3, 2010 from Dr. Owens, who noted appellant's medical status pre- and postsurgery.

By decision dated May 7, 2012, OWCP denied modification of the November 26, 2010 decision.

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

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).

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

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 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 has failed to submit sufficient medical evidence which causally relates her bilateral carpal tunnel condition to factors of her employment. For this reason, appellant has not met her burden of proof.

Following the Board's prior decision, appellant submitted reports from Dr. Owens dated September 1, 2010 and March 3, 2011. In the September 1, 2010 addendum report, Dr. Owens related that it would be difficult to determine the cause of appellant's bilateral carpal tunnel syndrome, but noted that her work could have exacerbated the condition. In the March 3, 2011 report, he related that she had denied an specific injury or event, but he noted generally that carpal tunnel could be caused by repetitive motion.

Dr. Owens did not provide a rationalized medical opinion addressing how appellant's bilateral carpal tunnel syndrome was causally related to her work as a carrier associate. The reports from him 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. Owens did not sufficiently describe appellant's job duties with details as to 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

⁵ *Id.*

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).

cause the claimed conditions. The Board further notes that his conclusions were speculative in nature.

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 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 bilateral carpal tunnel syndrome was sustained in the performance of duty.

ORDER

IT IS HEREBY ORDERED THAT the May 7, 2012 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: January 18, 2013
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

⁹ *Id.*