



## **FACTUAL HISTORY**

This case has been before the Board previously. On the prior appeal,<sup>2</sup> the Board found that appellant had not met his burden of proof to establish left carpal tunnel syndrome in the performance of duty. OWCP accepted that appellant did engage in the alleged duties of an information technology (IT) specialist (customer service) but that he had failed to submit medical evidence establishing a causal relationship between the employment factors and the diagnosed conditions. The facts of this case as set forth in the Board's prior decision are incorporated herein by reference.<sup>3</sup>

On December 16, 2014 OWCP received a reconsideration request from appellant, who enclosed a signed copy of a January 16, 2014 treatment note, as well as treatment notes from February 27 and April 10, 2014.

In the January 16, 2014 treatment note, Dr. Smith diagnosed left carpal tunnel syndrome and noted: "Clinically, most of his symptoms appear to be peripheral nerve compression and work related." The February 17 and April 10, 2014 treatment notes provided essentially the same history of present illness, as related by appellant, and the same statement that most of his symptoms clinically appeared to be peripheral nerve compression and work related.

In a decision dated August 7, 2015, OWCP reviewed the merits of appellant's case and denied modification of its prior decision. It found that Dr. Smith's use of the word "possible" and "probable" was speculative, that he had not fully described the factual history, and that he had not provided a well-reasoned opinion on how federal employment caused the diagnosed condition.

On appeal, appellant notes that Dr. Smith specifically opined that the mechanism of injury was directly related to prolonged use of the hands and wrists while performing IT duties on the computer.

## **LEGAL PRECEDENT**

FECA provides compensation for the disability of an employee resulting from personal injury sustained while in the performance of duty.<sup>4</sup> An employee seeking benefits under FECA has the burden of proof to establish the essential elements of his or her claim. When an employee claims that he or she sustained an injury in the performance of duty, he or she must submit sufficient evidence to establish that he or she experienced a specific event, incident or

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<sup>2</sup> Docket No. 14-1286 (issued December 3, 2014).

<sup>3</sup> On July 25, 2013 appellant, a 68-year-old IT specialist (customer support), filed an occupational disease claim alleging that his left carpal tunnel syndrome was causally related to his federal employment. He explained that his position required him to use his wrists and hands repetitively to install software and distribute work orders.

<sup>4</sup> 5 U.S.C. § 8102(a).

exposure occurring at the time, place, and in the manner alleged. He or she must also establish that such event, incident, or exposure caused an injury.<sup>5</sup>

Causal relationship is a medical issue,<sup>6</sup> and the medical evidence generally required to establish causal relationship is rationalized medical opinion evidence. The opinion of the physician must be based on a complete factual and medical background of the claimant,<sup>7</sup> must be one of reasonable medical certainty,<sup>8</sup> and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the established incident or factor of employment.<sup>9</sup>

### ANALYSIS

The Board finds that appellant has failed to establish his occupational disease claim.

Each of the treatment notes submitted with appellant's reconsideration request is very similar. Each provides the same general history of his present illness. Each diagnosed left carpal tunnel syndrome. Each notes that, clinically, most of appellant's symptoms appear to be peripheral nerve compression and work related.

Dr. Smith, the attending hand surgeon, noted appellant's employment as an IT specialist. He acknowledged prolonged use of the hands and wrists and frequent typing. Dr. Smith noted that appellant's symptoms were aggravated by use of the computer, at least according to the history appellant provided. It therefore appears that Dr. Smith had a fair understanding of the physical demands of appellant's federal employment.

The Board finds the treatment notes are insufficient because Dr. Smith did not fully explain the relationship between specific work factors and the diagnosed condition. Dr. Smith noted that most of appellant's clinical symptoms appeared to be work related, but he did not provide an explanation. He did not discuss the nature of carpal tunnel syndrome or explain how specific work activities caused or aggravated the diagnosed left carpal tunnel syndrome. It is not necessary that the evidence be so conclusive as to suggest causal connection beyond all possible doubt, but it must have a rationalized explanation that connects the duties with the condition.<sup>10</sup>

Because Dr. Smith's treatment notes do not provide sufficient medical reasoning to establish the element of causal relationship, the Board finds that appellant has not met his burden of proof. Accordingly, the Board will affirm OWCP's August 7, 2015 decision.

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<sup>5</sup> *John J. Carlone*, 41 ECAB 354 (1989).

<sup>6</sup> *Mary J. Briggs*, 37 ECAB 578 (1986).

<sup>7</sup> *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

<sup>8</sup> *See Morris Scanlon*, 11 ECAB 384, 385 (1960).

<sup>9</sup> *See William E. Enright*, 31 ECAB 426, 430 (1980).

<sup>10</sup> *Kenneth J. Deerman*, 34 ECAB 641, 645 (1983) and cases cited therein at note 1.

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 not met his burden to establish left carpal tunnel syndrome causally related to his federal employment.

**ORDER**

**IT IS HEREBY ORDERED THAT** the August 7, 2015 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: December 8, 2015  
Washington, DC

Christopher J. Godfrey, Chief Judge  
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge  
Employees' Compensation Appeals Board