

sending the mail along the processing line. Appellant first became aware of her condition on January 1, 2006 and first attributed it to her employment on July 24, 2015. She indicated that in 1987 her carpal tunnel syndrome symptoms began to affect her sleep. Appellant noted that on July 24, 2015, as she exited the turnstile at work, she felt a sharp pain from her hand to her neck. She did not stop work.

In a letter dated August 12, 2015, OWCP requested that appellant provide additional factual and medical evidence in support of her occupational disease claim and allowed her 30 days for a response. It also requested additional information from the employing establishment on the same date.

On August 11, 2015 the employing establishment noted that appellant wished to retire.

Appellant submitted a narrative statement on August 31, 2015 and described her job duties since May 9, 1987 as keying, continuously lifting and carrying mail. She alleged that her symptoms of carpal tunnel syndrome began in 2000 and by 2006 she had pain in her wrists that would come and go. Appellant noted that on July 24, 2015 she believed that she had injured her hand pushing the turnstile to exit her workplace. She reported that her physician diagnosed a neck injury.

Appellant underwent an electromyogram (EMG) which demonstrated bilateral chronic C6 cervical radiculopathy. She underwent a cervical magnetic resonance imaging (MRI) scan on June 9, 2014 which demonstrated multilevel disc desiccation from C2-T1 as well as a disc bulge at C5-6 with mild spinal canal stenosis and ventral cord deformity.

By decision dated September 30, 2015, OWCP denied appellant's occupational disease claim finding that she had not submitted medical evidence establishing a diagnosed condition causally related to her accepted employment duties. Appellant requested a review of the written record from OWCP's Branch of Hearings and Review on October 27, 2015.

In a letter dated October 28, 2015, appellant asserted that she had developed carpal tunnel syndrome due to her employment duties, as well as the July 24, 2015 incident of pushing the turnstile. She noted that she had to retire as she was very limited in her activities of daily living.

By decision dated April 13, 2016, OWCP's hearing representative denied appellant's claim finding that she had not submitted medical opinion evidence addressing the causal relationship between a diagnosed condition and her employment duties. She noted that the diagnostic test results did not provide any opinion as to the cause of appellant's condition and were insufficient to establish a work-related condition.

LEGAL PRECEDENT

An employee seeking benefits under FECA has the burden of proof to establish 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 filed within the applicable time limitation, that an injury was sustained while 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.² These are the essential elements of each and every compensation claim regardless of whether the claim is predicated on a traumatic injury or an occupational disease.³

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 a causal relationship is rationalized medical opinion evidence. The opinion of the physician must be based on a complete factual and medical background of the employee, must be one of reasonable 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 employee.⁴

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish that she developed an occupational disease due to factors of her federal employment.

In support of her occupational disease claim, appellant has submitted factual evidence of her employment duties including keying, lifting, and carrying mail. She has submitted medical evidence of cervical disc degeneration and bilateral chronic C6 cervical radiculopathy. However, appellant has submitted no medical evidence diagnosing her claimed condition of bilateral carpal tunnel syndrome.⁵ Furthermore, she has failed to provide any medical opinion evidence describing her employment duties, listing her diagnosed conditions, and opining that her diagnosed conditions were caused or aggravated by her accepted employment duties.⁶ Without medical opinion evidence supporting a causal relationship between appellant's diagnosed conditions and her employment, she has failed to meet her burden of proof to establish an occupational disease claim.

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.

² C.S., Docket No. 08-1585 (issued March 3, 2009); *Elaine Pendleton*, 40 ECAB 1143 (1989).

³ S.P., 59 ECAB 184 (2007); *Victor J. Woodhams*, 41 ECAB 345 (1989); *Joe D. Cameron*, 41 ECAB 153 (1989).

⁴ I.J., 59 ECAB 408 (2008); *Victor J. Woodhams*, *id.*

⁵ See *Deborah L. Beatty*, 54 ECAB 340 (2003).

⁶ C.B., Docket No. 09-2027 (issued May 12, 2010).

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish that she developed an occupational disease causally related to factors of her federal employment.

ORDER

IT IS HEREBY ORDERED THAT the April 13, 2016 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: December 20, 2016
Washington, DC

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

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Alec J. Koromilas, Alternate Judge
Employees' Compensation Appeals Board