



handler for the past nine years. She first became aware of her condition on October 14, 2008 and realized it resulted from her employment in June 2015. Appellant stopped work on August 5, 2015. In a handwritten statement, she explained that the pain started after repeatedly opening bags, working on the deck, and moving equipment. Appellant indicated that she tried acupuncture and occupational medicine, but it did not help.

In a July 30, 2015 report, Dr. Abhishek Julka, an orthopedic hand surgeon, noted that he treated appellant for bilateral carpal tunnel syndrome, moderate on right and mild on the left. He reported that he could not say that appellant's carpal tunnel was caused by work, but it could have been aggravated by repetitive activities.

Dr. Julka provided an August 18, 2015 work status note which indicated that appellant was his patient and would need to be excused from work because she was recovering from carpal tunnel syndrome. He noted that appellant would be reevaluated in four weeks.

By letter dated August 27, 2015, OWCP advised appellant that the evidence of record was insufficient to establish her claim. It requested that appellant provide a detailed description of the employment activities which she believed contributed to her condition and submit medical evidence to establish that she sustained a diagnosed condition as a result of the described employment activities. Appellant was afforded 30 days to submit the additional evidence.

In a September 22, 2015 report, Dr. Julka indicated that appellant was examined and could return to work with restrictions of no lifting, pushing, or pulling more than 40 pounds and a maximum of eight hours per day.

OWCP denied appellant's claim by decision dated November 19, 2015. It accepted that appellant was employed as a mail handler and was diagnosed with bilateral carpal tunnel syndrome, but denied her occupational disease claim as the medical evidence submitted was insufficient to establish that her medical condition was causally related to factors or her federal employment.

### **LEGAL PRECEDENT**

An employee seeking benefits under FECA has the burden of proof to establish the essential elements of his or her claim by the weight of the reliable, probative, and substantial evidence<sup>2</sup> including that he or she sustained an injury in the performance of duty and that any specific condition or disability for work for which he or she claims compensation is causally related to that employment injury.<sup>3</sup>

In an occupational disease claim, appellant's burden requires submission of the following: (1) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; (2) medical evidence

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<sup>2</sup> *J.P.*, 59 ECAB 178 (2007); *Joseph M. Whelan*, 20 ECAB 55, 58 (1968).

<sup>3</sup> *M.M.*, Docket No. 08-1510 (issued November 25, 2010); *G.T.*, 59 ECAB 447 (2008); *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

establishing the presence or existence of the disease or condition for which compensation is claimed; and (3) medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the employee.<sup>4</sup>

Causal relationship is a medical issue and the medical evidence generally required to establish causal relationship is rationalized medical opinion evidence.<sup>5</sup> The opinion of the physician must be based on a complete factual and medical background of the employee, 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 employee.<sup>6</sup>

### ANALYSIS

Appellant alleged that she developed bilateral carpal tunnel syndrome as a result of her repetitive duties as a mail handler. OWCP denied appellant's claim because the medical evidence submitted failed to establish that her bilateral carpal tunnel syndrome resulted from her employment. The Board finds that appellant has failed to meet her burden of proof to establish that her diagnosed condition was causally related to factors of her employment.

Dr. Julka examined appellant and provided reports dated July 30 to September 22, 2015 which indicated that he treated appellant for bilateral carpal tunnel syndrome. He reported that he could not opine that appellant's condition was caused by work, but explained that carpal tunnel syndrome could have been aggravated by repetitive activities. Dr. Julka provided an August 18, 2015 work status note which requested that appellant be excused from work because she was recovering from carpal tunnel syndrome. In a September 22, 2015 work status note, he authorized appellant to return to work with restrictions.

Dr. Julka did not provide any opinion on the cause of appellant's condition except his notation that it could have been aggravated by repetitive activities. The Board has held that medical opinions that are speculative or equivocal in character are of diminished probative value.<sup>7</sup> Moreover, Dr. Julka neither described any of appellant's employment duties, nor explained how appellant's employment caused or contributed to her bilateral carpal tunnel syndrome. The Board has found that rationalized medical opinion evidence must relate to specific employment factors identified by the claimant to the claimant's condition, with stated reasons by a physician.<sup>8</sup> Because Dr. Julka's reports failed to explain how appellant's bilateral carpal tunnel syndrome was causally related to factors of her employment, his reports are insufficient to establish appellant's claim.

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<sup>4</sup> *R.H.*, 59 ECAB 382 (2008); *Ernest St. Pierre*, 51 ECAB 623 (2000).

<sup>5</sup> *I.R.*, Docket No. 09-1229 (issued February 24, 2010); *D.I.*, 59 ECAB 158 (2007).

<sup>6</sup> *I.J.*, 59 ECAB 408 (2008); *Victor J. Woodhams*, 41 ECAB 465 (2005).

<sup>7</sup> *D.D.*, 57 ECAB 734, 738 (2006); *Kathy A. Kelley*, 55 ECAB 206 (2004).

<sup>8</sup> *L.F.*, Docket No. 10-2287 (issued July 6, 2011); *Solomon Polen*, 51 ECAB 341 (2000).

The mere fact that work activities may produce symptoms revelatory of an underlying condition does not raise an inference of an employment relation. Such a relationship must be shown by rationalized medical evidence of a causal relation based upon a specific and accurate history of employment conditions which are alleged to have caused or exacerbated a disabling condition.<sup>9</sup> Because appellant has failed to provide such rationalized medical evidence, she has not met her burden of proof to establish her 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.

**CONCLUSION**

The Board finds that appellant has failed to meet her burden of proof to establish that her bilateral carpal tunnel syndrome was causally related to factors of her federal employment.

**ORDER**

**IT IS HEREBY ORDERED THAT** the November 19, 2015 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: November 9, 2016  
Washington, DC

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

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

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

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<sup>9</sup> *Patricia J. Bolleter*, 40 ECAB 373 (1988).