



## **FACTUAL HISTORY**

On June 6, 2018 appellant, then a 57-year-old clerk, filed an occupational disease claim (Form CA-2) alleging that she developed left carpal tunnel syndrome and a left thumb condition causally related to factors of her federal employment. She indicated that she also experienced numbness and tingling on her right side. Appellant did not stop work. The employing establishment controverted the claim asserting that her carpal tunnel surgery scheduled for June 14, 2008 was unrelated to her employment.

On May 30, 2018 appellant signed a consent for a left carpal tunnel release and surgery on her left thumb at the carpometacarpal (CMC) joint.

In a June 12, 2018 development letter, OWCP requested that appellant submit additional factual and medical information in support of her occupational disease claim, including a detailed report from her attending physician addressing causal relationship between a diagnosed condition and factors of her federal employment. It afforded her 30 days to submit the requested information.

Appellant, in a June 23, 2018 response, attributed her condition to throwing and scanning boxes.<sup>3</sup> She related that she had experienced numbness and tingling in her hands and fingers while throwing boxes.

By decision dated July 20, 2018, OWCP denied appellant's occupational disease claim. It found that she had not submitted medical evidence supporting a diagnosed condition causally related to the accepted employment factors.

## **LEGAL PRECEDENT**

An employee seeking benefits under FECA<sup>4</sup> 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 or specific condition for which compensation is claimed is causally related to the employment injury.<sup>5</sup> 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.<sup>6</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 establishing the presence or existence of the disease or condition for which compensation is claimed; and (3) medical

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<sup>3</sup> By letter dated July 19, 2018, the employing establishment confirmed that appellant threw parcels as part of her work duties.

<sup>4</sup> 5 U.S.C. § 8101 *et seq.*

<sup>5</sup> *J.I.*, Docket No. 18-0286 (issued September 17, 2018).

<sup>6</sup> *A.J.*, Docket No. 18-0905 (issued December 10, 2018).

evidence establishing that the diagnosed condition is causally related to the employment factors identified by the employee.<sup>7</sup>

The medical evidence 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 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.<sup>8</sup>

### ANALYSIS

The Board finds that appellant has not met her burden of proof to establish an upper extremity condition causally related to the accepted factors of her federal employment.

Appellant has not submitted medical evidence in support of her claim. OWCP advised her to provide a comprehensive medical report which described her symptoms, test results, diagnosis, and history of treatment, and a physician's opinion, with medical reasons, addressing the cause of her condition and its relationship to the implicated employment factors.<sup>9</sup> Appellant failed to submit the appropriate medical documentation in response to OWCP's request. The Board has held that the mere fact that a condition manifests itself during a period of employment does not raise an inference of causal relationship.<sup>10</sup> Such a relationship must be shown by rationalized medical evidence supporting causal relationship based upon a specific and accurate history of employment conditions which are alleged to have caused or exacerbated a disabling condition.<sup>11</sup> As appellant has not submitted medical evidence, the Board finds that she has not met her burden of proof to establish her occupational disease claim.<sup>12</sup>

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 her burden of proof to establish an upper extremity condition causally related to the accepted factors of her federal employment.

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<sup>7</sup> *R.M.*, Docket No. 18-0976 (issued January 3, 2019); *P.D.*, Docket No. 17-1885 (issued September 17, 2018).

<sup>8</sup> *P.Y.*, Docket No. 18-1136 (issued January 7, 2019).

<sup>9</sup> *S.S.*, Docket No. 18-0309 (issued August 13, 2018).

<sup>10</sup> *Id.*

<sup>11</sup> *D.L.*, Docket No. 18-1007 (issued November 28, 2018).

<sup>12</sup> *Supra* note 9.

**ORDER**

**IT IS HEREBY ORDERED THAT** the July 20, 2018 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: February 25, 2019  
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