



## **ISSUE**

The issue is whether appellant has met her burden of proof to establish that her bilateral carpal tunnel syndrome was causally related to the accepted factors of her federal employment.

## **FACTUAL HISTORY**

On February 11, 2018 appellant, then a 46-year-old mail processing clerk, filed an occupational disease claim (Form CA-2) alleging that she sustained a medical condition due to the performance of her automation clerk duties using a delivery bar code sorter machine. She indicated, “after a long period of time working on the machines, and a continuous repetitive motion from working on the machines, I realized that [my condition] was caused by the job.”

In a February 26, 2018 development letter, OWCP advised appellant of the deficiencies of her claim. Appellant was advised that she should submit a medical report which provided a diagnosis of her medical condition and which provided a rationalized medical explanation as to how the diagnosed medical condition was causally related to the alleged factors of her federal employment. OWCP afforded appellant 30 days to submit additional evidence.

In March 16 and 18, 2018 narrative statements, appellant described the detailed duties of a mail processor. She noted that all mail processing duties of feeding, sweeping, pushing, and pulling of equipment were manually performed and that she had performed those duties for over 20 years for 8 to 10 hours per day. A copy of a position description of mail processing clerk was received. In a March 16, 2018 statement, the supervisor of distribution operations concurred with appellant’s description of her work duties.

In a March 12, 2018 report, Dr. Timothy Miller, an orthopedic surgeon, noted that appellant presented with a work-related injury which occurred on February 11, 2018. His examination of her bilateral wrist hand revealed tenderness to palpation at the right wrist ulnar side and pain on pisiform. Pain on the left ulnar side of wrist was also present. Appellant had decreased sensation to her thumbs. X-rays of the both wrists were negative for fracture, subluxation, or dislocation. Dr. Miller provided an assessment of pain in right wrist, left carpal tunnel syndrome, and right carpal tunnel syndrome. Due to his bilateral carpal tunnel diagnoses, he referred appellant for an electromyogram/nerve conduction (EMG/NCV) study of the bilateral upper extremities. Dr. Miller also ordered a magnetic resonance imaging (MRI) scan of the right wrist.

By decision dated April 11, 2018, OWCP denied appellant’s claim. It found that the medical evidence of record was insufficient to establish causal relationship between the diagnosed conditions and the accepted factors of her federal employment.

## **LEGAL PRECEDENT**

A claimant seeking benefits under FECA<sup>3</sup> 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,

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<sup>3</sup> *Supra* note 1.

including that an injury was sustained in the performance of duty as alleged, and that any specific condition or disability claimed is causally related to the employment injury.<sup>4</sup>

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit: (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 diagnosed condition is causally related to the identified employment factors.<sup>5</sup>

Causal relationship is a medical question, which generally requires rationalized medical opinion evidence to resolve the issue.<sup>6</sup> A physician's opinion on whether there is causal relationship between the diagnosed condition and the implicated employment factors must be based on a complete factual and medical background.<sup>7</sup> Additionally, the physician's opinion must be expressed in terms of a reasonable degree of medical certainty, and must be supported by medical rationale, explaining the nature of the relationship between the diagnosed condition and appellant's specific employment factors.<sup>8</sup>

### ANALYSIS

The Board finds that appellant has not met her burden of proof to establish that her bilateral carpal tunnel syndrome was causally related to the accepted factors of her federal employment.

Appellant provided a March 12, 2018 report from Dr. Miller. Dr. Miller provided an assessment of pain in right wrist, and bilateral carpal tunnel syndrome. Pain is a description of a symptom rather than a clear diagnosis of a medical condition.<sup>9</sup> While Dr. Miller noted a work-related injury and diagnosed bilateral carpal tunnel syndrome, his opinion was conclusory. The Board has held that a medical opinion is of limited probative value if it is speculative and conclusory in nature.<sup>10</sup> A medical opinion must provide an explanation of how the specific employment factors physiologically caused or aggravated the diagnosed conditions.<sup>11</sup> Without

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<sup>4</sup> 20 C.F.R. § 10.115(e), (f); see *Jacquelyn L. Oliver*, 48 ECAB 232, 235-36 (1996).

<sup>5</sup> See *M.B.*, Docket No. 17-1999 (issued November 13, 2018); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

<sup>6</sup> See *M.B.*, *id.*; *Robert G. Morris*, 48 ECAB 238 (1996).

<sup>7</sup> See *M.B.*, *supra* note 5.

<sup>8</sup> *Id.*; see also *L.G.*, Docket No. 18-0321 (issued October 25, 2018).

<sup>9</sup> *C.B.*, Docket No. 09-2027 (issued May 12, 2010); *Robert Broome*, 55 ECAB 339 (2004) (the Board has consistently held that pain is a symptom rather than a compensable medical diagnosis).

<sup>10</sup> See *M.W.*, Docket No. 17-0186 (issued March 13, 2018).

<sup>11</sup> See *V.T.*, Docket No. 18-0881 (issued November 19, 2018).

medical reasoning explaining how the accepted employment activities caused or contributed to the diagnosed condition(s), Dr. Miller's report is insufficient to establish the claim.<sup>12</sup>

As appellant has not submitted rationalized medical evidence to establish a medical condition causally related to the accepted employment factors, the Board finds that she has not met her burden of proof to establish her 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 not met her burden of proof to establish that her bilateral carpal tunnel syndrome was causally related to the accepted factors of her federal employment.

### **ORDER**

**IT IS HEREBY ORDERED THAT** the April 11, 2018 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: January 25, 2019  
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

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<sup>12</sup> See *R.T.*, Docket No. 17-2019 (issued August 24, 2018).