



## ISSUE

The issue is whether appellant has met her burden of proof to establish medical conditions causally related to the accepted factors of her federal employment.

## FACTUAL HISTORY

On November 6, 2018 appellant, then a 36-year-old medical instrument technologist, filed an occupational disease claim (Form CA-2) alleging that she developed right carpal tunnel syndrome and right ulnar neuropathy due to factors of her federal employment. In a supplemental statement, she asserted that her conditions were caused by work-related activities including the continued repetitive motions associated with imaging, scanning, and ultrasound diagnostics. Appellant noted that she first became aware of her conditions and realized that they were caused or aggravated by factors of her federal employment on June 1, 2018. She did not stop work.

In a November 14, 2018 development letter, OWCP informed appellant that the evidence of record was insufficient to establish her claim. It advised her of the type of factual and medical evidence needed and provided a questionnaire for her completion. In a separate letter of even date, OWCP notified the employing establishment of appellant's occupational disease claim and requested additional information from a knowledgeable supervisor. It afforded both parties 30 days to submit the necessary evidence.

In an undated narrative statement, appellant responded to OWCP's development questionnaire. She indicated that she began experiencing right wrist pain while scanning in June 2018. Appellant noted that she visited her primary care physician who recommended that she try wearing a splint while scanning. She indicated that after two months of splint use, there was no relief in pain. Appellant stated that she was referred to an orthopedic specialist who ordered an electromyography (EMG). She reported that the EMG revealed right carpal tunnel syndrome and left ulnar neuropathy and that the orthopedic specialist recommended surgical release of right carpal tunnel. Appellant noted that she did not participate in exercise activities at home and that she had never had an injury to her hand, arm, or wrist before. She indicated that she experienced numbness, tingling, pain, and limited grip strength from repetitive use of both hands in the course of her federal employment.

By decision dated January 9, 2019, OWCP denied appellant's claim finding that the evidence of record was insufficient to establish specific employment factors that she believed contributed to her conditions. It noted that she only provided vague and general information without supporting evidence or specific examples. OWCP concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

On April 1, 2019 appellant requested reconsideration. OWCP continued to receive evidence.

Appellant submitted literature regarding work-related musculoskeletal disorders in sonography.

In a July 31, 2018 report, Dr. Jeffrey Kellogg, a Board-certified family practitioner, noted that appellant was experiencing pain along the radial and ulnar aspects of her wrist/distal forearm. He diagnosed a strain of the right wrist and hand and recommended that appellant wear a wrist splint and avoid painful activity.

In a September 21, 2018 medical note, Dr. Kellogg indicated that appellant was experiencing right wrist pain as a result of her work as an ultra-sonographer. He noted that there was no obvious swelling or redness of the right wrist and diagnosed a strain of the right wrist and hand.

In an October 9, 2018 report, Dr. John W. Buschman, an osteopath specializing in orthopedic surgery, related that appellant was experiencing right wrist pain with numbness into her middle, ring, and small fingers. He noted that as an ultrasound technician, appellant sometimes had her wrist flexed or extended. Dr. Buschman reviewed x-ray scans of appellant's right wrist and diagnosed right ulnar neuropathy.

In an October 30, 2018 report, Dr. Buschman noted that as an ultrasound technician, appellant was constantly using her right hand to run ultrasound probes. He reviewed EMGs, performed a physical examination, and diagnosed right carpal tunnel syndrome and left ulnar neuropathy. Dr. Buschman recommended surgical release of appellant's right carpal tunnel.

In a March 25, 2019 letter, Dr. Kellogg noted that he was appellant's primary care physician and that he had previously opined that her right wrist pain was "certainly related to her work as an ultra-sonographer." He also opined that appellant's carpal tunnel syndrome was "a direct result of her work as an ultra-sonographer" and should be "covered" as an employment-related injury.

In an undated narrative statement, appellant explained that she worked as a registered diagnostic medical sonographer which required her to hold a transducer in her right hand and type with her left hand. She noted that she performed scanning activities for 40 plus hours a week. Appellant indicated that, while performing ultrasounds, she used repetitive motions and forceful or awkward movements of many body parts including her hand and wrist. She reported that she sustained pressure on her wrist for long durations because her department was chronically understaffed. Appellant related that many of her patients were morbidly obese which required her to use excessive pressure, force, and strain on her wrist to acquire optimal imaging. She alleged that her carpal tunnel syndrome was a result of constant scanning which involved flexion and extension of her hand and wrist to manipulate the ultrasound transducer. Appellant also noted that she frequently pushed and pulled her ultrasound machine and transported patients in wheel chairs, stretchers, and hospital beds. She indicated that this required flexion and extension of her wrist. Appellant asserted that she sometimes scanned twice the number of patients than the recommended safe number. She clarified that she believed pushing, pulling, gripping, pinching, scanning, flexing, extending, transporting, and typing motions of her hand and wrist caused her conditions.

In an April 25, 2019 narrative statement, appellant noted that she did not engage in any other nonwork activities that would cause her to injure or overuse her wrist.

By decision dated June 27, 2019, OWCP modified the January 9, 2019 decision finding that she had established specific employment factors. However, it further found that the claim remained denied as the medical evidence of record was insufficient to establish conditions were caused or aggravated by the accepted employment factors.

### **LEGAL PRECEDENT**

An employee seeking benefits under FECA<sup>3</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 timely filed within the applicable time limitation period of FECA,<sup>4</sup> that an injury was sustained in the performance of duty as alleged, and that any disability or medical 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 upon a traumatic injury or an occupational disease.<sup>6</sup>

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit 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 evidence establishing that the diagnosed condition is causally related to the identified employment factors.<sup>7</sup>

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.<sup>8</sup> The opinion of the physician must be based on a complete factual and medical background of the claimant, 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 claimant.<sup>9</sup>

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<sup>3</sup> *Id.*

<sup>4</sup> *R.S.*, Docket No. 19-1774 (issued April 3, 2020); *J.P.*, 59 ECAB 178 (2007); *Joe D. Cameron*, 41 ECAB 153 (1989).

<sup>5</sup> *C.F.*, Docket No. 19-1748 (issued March 27, 2020); *R.C.*, 59 ECAB 427 (2008); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

<sup>6</sup> 20 C.F.R. § 10.115; *E.S.*, Docket No. 18-1580 (issued January 23, 2020); *L.M.*, Docket No. 13-1402 (issued February 7, 2014); *Delores C. Ellyett*, 41 ECAB 992 (1990).

<sup>7</sup> *See T.L.*, Docket No. 18-0778 (issued January 22, 2020); *Roy L. Humphrey*, 57 ECAB 238, 241 (2005); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

<sup>8</sup> *P.L.*, Docket No. 19-1750 (issued March 26, 2020); *Jacqueline M. Nixon-Steward*, 52 ECAB 140 (2000).

<sup>9</sup> *A.M.*, Docket No. 18-0562 (issued January 23, 2020); *Leslie C. Moore*, 52 ECAB 132 (2000).

## ANALYSIS

The Board finds that appellant has not met her burden of proof to establish medical conditions causally related to the accepted factors of her federal employment.

In reports dated July 31 and September 21, 2018, Dr. Kellogg diagnosed a strain of the right wrist and hand, but failed to provide an opinion as to whether the sprain was causally related to the accepted factors of appellant's federal employment. The Board has held that medical evidence that does not offer an opinion regarding the cause of an employee's condition is of no probative value on the issue of causal relationship.<sup>10</sup> Accordingly, these medical notes are insufficient to establish appellant's claim.

In a March 25, 2019 letter, Dr. Kellogg opined that appellant's right wrist pain and carpal tunnel syndrome were a direct result of her work as an ultra-sonographer. Although he supported causal relationship, he did not offer medical rationale explaining the basis of his conclusory opinion regarding the causal relationship between appellant's right hand and wrist conditions and the factors of her federal employment.<sup>11</sup> The Board has held that a mere conclusion without the necessary rationale as to whether a period of disability is due to an accepted employment condition is insufficient to meet a claimant's burden of proof.<sup>12</sup> As such, this letter is of limited probative value.

In medical reports dated October 9 and 30, 2018, Dr. Buschman indicated that appellant worked as an ultrasound technician which required her to sometimes flex and extend her wrist and constantly use her right hand to run ultrasound probes. He diagnosed right ulnar neuropathy, right carpal tunnel syndrome, and left ulnar neuropathy, but did not provide medical rationale regarding causal relationship. As Dr. Buschman failed to explain how the accepted employment factors physiologically caused or contributed to the diagnosed conditions, his reports are of limited probative value.<sup>13</sup>

Appellant also submitted a number of excerpts from publications. The Board has held that medical texts and excerpts from publications are of no evidentiary value in establishing the causal relationship between a claimed condition and an employee's federal employment as such materials are of general application and are not determinative of whether the specific condition claimed is related to the particular employment factors alleged by the employee.<sup>14</sup> This material has probative value only to the extent that it is interpreted and cited by a physician rendering an opinion on the

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<sup>10</sup> *C.F.*, *supra* note 5; *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

<sup>11</sup> *P.L.*, *supra* note 8.

<sup>12</sup> *A.T.*, Docket No. 19-0410 (issued August 13, 2019); *E.L.*, Docket No. 17-1632 (issued January 3, 2018).

<sup>13</sup> *M.M.*, Docket No. 19-1580 (issued February 19, 2020); *K.G.*, Docket No. 18-1598 (issued January 7, 2020); *A.B.*, Docket No. 16-1163 (issued September 8, 2017).

<sup>14</sup> *L.C.*, Docket No. 17-1811 (issued March 23, 2018); *N.B.*, Docket No. 14-1702 (issued December 29, 2014); *S.A.*, Docket No. 13-1551 (issued December 17, 2013); *Gloria J. McPherson*, 51 ECAB 441 (2000).

causal relationship between a condition and specified employment injury.<sup>15</sup> As these publications were not interpreted and cited by appellant's physicians in offering a rationalized medical opinion as to how appellant's specific employment factors caused her diagnosed conditions, these publications are insufficient to establish causal relationship.

As appellant has not submitted rationalized medical evidence explaining the causal relationship between her diagnosed medical conditions and the accepted factors of her federal employment, the Board finds that she has not met her burden of proof.

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 a medical conditions causally related to the accepted factors of her federal employment.

### **ORDER**

**IT IS HEREBY ORDERED THAT** the June 27, 2019 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: May 8, 2020  
Washington, DC

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

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

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

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<sup>15</sup> *L.C., id.; C.S.*, Docket No. 12-1169 (issued November 5, 2012); *Harlan L. Soeten*, 38 ECAB 566, 567 (1987).