

**United States Department of Labor
Employees' Compensation Appeals Board**

B.Y., Appellant)	
)	
and)	Docket No. 23-0950
)	Issued: November 28, 2023
U.S. POSTAL SERVICE, BENTON HARBOR)	
POST OFFICE, Benton Harbor, MI, Employer)	
)	

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:
ALEC J. KOROMILAS, Chief Judge
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On June 30, 2023 appellant filed a timely appeal from a May 31, 2023 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act¹ and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.²

ISSUE

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

¹ 5 U.S.C. § 8101 *et seq.*

² The Board notes that, following the May 31, 2023 decision, OWCP received additional evidence. However, the Board's *Rules of Procedure* provides: "The Board's review of a case is limited to the evidence in the case record that was before OWCP at the time of its final decision. Evidence not before OWCP will not be considered by the Board for the first time on appeal." 20 C.F.R. § 501.2(c)(1). Thus, the Board is precluded from reviewing this additional evidence for the first time on appeal. *Id.*

FACTUAL HISTORY

On March 7, 2023 appellant, then a 59-year-old rural carrier, filed an occupational disease claim (Form CA-2) alleging that she developed bilateral trigger finger causally related to factors of her federal employment. She indicated that she first became aware of her condition on February 20, 2023, and its relationship to her federal employment on March 6, 2023. Appellant stopped work on February 21, 2023 and returned to work on March 9, 2023 without medical work restrictions.

In a report dated March 6, 2023, Dr. Michael Berry, an orthopedic hand surgery specialist, examined appellant for complaints of bilateral thumb triggering or clicking. On physical examination of the thumbs, he observed maximum tenderness over the palmar base of the thumb; localizing tenderness over the A-1 pulley; mild-to-moderate nodular changes palpable within the flexor tendon during active range of motion; and a discrete triggering on palpation. Dr. Berry diagnosed bilateral thumb triggering.

In a development letter dated March 15, 2023, OWCP informed appellant that the evidence submitted was insufficient to establish her claim. It advised her of the type of factual and medical evidence needed. OWCP also provided appellant a questionnaire for completion regarding the factual elements of her claim. It afforded her 60 days to respond and submit additional evidence.

In a report dated March 16, 2023, Dr. Berry noted that she indicated that her bilateral thumb triggering continued to be aggravated by her work. Observations on physical examination of the bilateral thumbs remained unchanged as in the report of March 6, 2023 with the additional observation that the range of motion of her interphalangeal joints was limited. Dr. Berry diagnosed bilateral thumb triggering.

On March 20, 2023 OWCP received a narrative statement from appellant wherein she indicated that she believed that her thumb conditions were caused by lifting of heavy packages, sorting, casing, and pulling mail. Appellant further described her routine work activities.

On April 17, 2023 OWCP issued an additional 30-day development letter to appellant requesting additional factual and medical evidence to substantiate her claim.

In an emergency department report dated February 20, 2023, Dr. Ashley Kowalkowski, an osteopath, stated that appellant had presented to the emergency department with right thumb pain on that date. She noted that appellant had experienced right thumb pain that was exacerbated on April 27, 2023 when appellant pulled a large package across her desk and felt a “pop” at the base of the right thumb. On physical examination, Dr. Kowalkowski observed tenderness to the base of the first metacarpal with difficulty flexing the interphalangeal joint. She diagnosed right thumb pain.

In a report dated April 3, 2023, Dr. Berry diagnosed bilateral trigger finger. On physical examination of the right thumb, the observations remained the same as on March 16, 2023, with the exception of a very stiff interphalangeal range of motion. On physical examination of the left thumb, the observations remained the same as on March 16, 2023 with the exception of moderate stiffness of the interphalangeal joint’s range of motion.

In a report dated May 18, 2023, Dr. Berry noted that appellant indicated that she experienced triggering and pain of the right thumb. On physical examination of the right thumb, he observed maximum tenderness over the palmar base of the thumb; localizing tenderness over the A-1 pulley; mild-to-moderate nodular changes palpable within the flexor tendon during active range of motion; and very limited interphalangeal joint range of motion. On physical examination of the left thumb, Dr. Berry observed the same symptoms, with the exception of a discrete triggering noted with palpation, and full interphalangeal joint range of motion. He diagnosed bilateral thumb triggering.

By decision dated May 31, 2023, OWCP denied appellant's occupational disease claim, finding that the evidence of record was insufficient to establish that her diagnosed condition was causally related to the accepted factors of her federal employment.

LEGAL PRECEDENT

An employee seeking benefits under FECA³ 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 of FECA, 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.⁴ 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.

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit: (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.⁵

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.⁶ The opinion of the physician must be based on a complete factual and medical background, 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 incident.⁷

³ *Supra* note 1.

⁴ *C.K.*, Docket No. 19-1549 (issued June 30, 2020); *R.G.*, Docket No. 19-0233 (issued July 16, 2019); *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁵ *L.D.*, Docket No. 19-1301 (issued January 29, 2020); *S.C.*, Docket No. 18-1242 (issued March 13, 2019); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

⁶ *I.J.*, Docket No. 19-1343 (issued February 26, 2020); *T.H.*, 59 ECAB 388 (2008); *Robert G. Morris*, 48 ECAB 238 (1996).

⁷ *D.J.*, Docket No. 19-1301 (issued January 29, 2020).

ANALYSIS

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

Appellant submitted reports from Dr. Berry dated from March 6 through May 18, 2023. In these reports, Dr. Berry provided findings on physical examination and diagnosed bilateral thumb triggering. However, he did not provide an opinion explaining the cause of appellant's diagnosed condition. A medical opinion must explain how the implicated employment factors physiologically caused, contributed to, or aggravated the specific diagnosed conditions.⁸ 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.⁹ As such, this report is insufficient to establish appellant's claim.

In an emergency department report dated February 20, 2023, Dr. Kowalkowski diagnosed right thumb pain. Under FECA, the assessment of pain is not considered a diagnosis, as pain merely refers to a symptom of an underlying condition.¹⁰ As such, Dr. Kowalkowski's report is insufficient to establish a firm diagnosis and thus insufficient to establish appellant's claim.

As the medical evidence of record is insufficient to establish causal relationship between appellant's bilateral thumb 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 bilateral thumb triggering causally related to the accepted factors of her federal employment.

⁸ *E.S.*, Docket No. 21-0341 (issued August 10, 2021); *K.G.*, Docket No. 18-1598 (issued January 7, 2020).

⁹ *D.C.*, Docket No. 19-1093 (issued June 25, 2020); *see L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

¹⁰ *M.V.*, Docket No. 18-0884 (issued December 28, 2018). The Board has consistently held that pain is a symptom, not a compensable medical diagnosis. *See P.S.*, Docket No. 12-1601 (issued January 2, 2013); *C.F.*, Docket No. 08-1102 (issued October 10, 2008).

ORDER

IT IS HEREBY ORDERED THAT the May 31, 2023 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: November 28, 2023
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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