

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JOANNE F. RION and U.S. POSTAL SERVICE,
POST OFFICE, Reeves, LA

*Docket No. 03-1616; Submitted on the Record;
Issued December 31, 2003*

DECISION and ORDER

Before ALEC J. KOROMILAS, DAVID S. GERSON,
A. PETER KANJORSKI

The issue is whether appellant has established an employment-related disability on or after December 14, 2002.

On March 7, 2002 appellant, then a 59-year-old postmaster, filed a notice of occupational disease and claim for compensation alleging that she sustained carpal tunnel syndrome and a bulging disc in her neck area as a result of her federal employment.

In support of her claim, appellant submitted medical reports by Dr. Michael K. Seep, a Board-certified family practitioner. In a February 28, 2002 medical report, Dr. Seep noted:

“[Appellant] has been treated for multiple problems that have disabled her from work. These include cervical disc disease with nerve impingements confirmed on [magnetic resonance imaging], carpal tunnel syndrome bilaterally confirmed with nerve conducted tests, x-rays and scans have proven arthritis and labile hypertension. She also has chronic venous status changes in her lower extremities caused by worsening varicosities.... I am convinced her employment is the root cause and/or aggravating factor of these problems. Carpal tunnel symptoms have been made worse by her chronic lifting and working over her head and I am of the opinion that the discogenic problems in her cervical spine have been affected also. I also believe she is disabled....”

On April 19, 2002 the Office of Workers' Compensation Programs accepted appellant's claim for “carpal tunnel syndrome.” Appellant filed claims for compensation for various periods of disability and benefits were paid. Appellant was last paid compensation for the period October 19 to December 13, 2002.

On February 3, 2003 appellant filed a claim for compensation (Form CA-7) for the period December 14, 2002 to February 7, 2003. In support thereof, appellant submitted a note dated December 10, 2002 by Dr. Seep indicating:

“[Appellant] has not been released to return to work. She continues to have difficulties with neck and wrists and is unable to work.” (Emphasis in the original.)

Dr. Seep also partially completed attending physician’s reports (Form CA-20) dated December 26, 2002 and February 3, 2003 wherein he indicated that appellant had not been advised that she could return to work. Appellant also submitted a February 18, 2003 note wherein Dr. Seep stated:

“[Appellant] has persistent carpal tunnel syndrome, cervical disc disease. This patient’s condition has not improved significantly. She remains with persistent neck pain and has parathesias and pain.”

Appellant also submitted an October 23, 2002 report by Dr. Alan Hinton, a Board-certified orthopedic surgeon, who indicated that appellant had carpal tunnel syndrome and possible cervical radiculopathy. Dr. Hinton indicated that he discussed with appellant the possibility of double crush syndrome.

By decision dated March 19, 2003, the Office denied appellant’s claim for wage-loss compensation for partial disability commencing December 14, 2002 as it found that the medical evidence of record was not sufficient to establish partial disability from work.

The Board finds that appellant has not established an employment-related disability as of December 14, 2002.

In this case, appellant filed a Form CA-7 claim for compensation as of December 14, 2002. As appellant sought compensation benefits under the Federal Employee’s Compensation Act¹ she has the burden of establishing that her disability for work for specific periods is causally related to the employment injury.²

The medical evidence required to establish a causal relationship is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence which includes a physician’s rationalized opinion on the issue of whether there is a causal relationship between the claimant’s diagnosed condition and the implicated employment factors. 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.³

¹ 5 U.S.C. §§ 8101-8193.

² *Donald Leroy Ballard*, 40 ECB 649, 656 (1989).

³ *Delores C. Ellyett*, 41 ECAB 992, 994 (1990).

In the instant case, there is insufficient evidence in the record to establish that appellant had a disability after December 14, 2002 causally related to her accepted carpal tunnel syndrome. Dr. Seep, in a December 10, 2002 note, indicates that appellant continued to have difficulties with her neck and wrists and was unable to work. In his February 18, 2003 note, Dr. Seep indicated that appellant continued to have persistent carpal tunnel syndrome and cervical disc disease. Neither of these reports discuss the cause of appellant's carpal tunnel syndrome. Furthermore, both of these reports also mention that appellant is having trouble with her neck; this condition has not been accepted as work related. In his October 23, 2002 report, Dr. Hinton noted that appellant continued to have carpal tunnel syndrome and possible cervical radiculopathy. This report does not address causation nor does it address appellant's condition on December 14, 2002.

The Board finds that the reports of Drs. Seep and Hinton do not provide a reasoned medical opinion with respect to an employment-related disability as of December 14, 2002. The aforementioned reports do not provide a narrative and complete factual and medical background or a reasoned medical opinion on causal relationship between appellant's carpal tunnel syndrome and appellant's allegedly disabling condition on December 14, 2002. In the absence of such evidence, the Board finds that appellant did not meet her burden of proof in this case.

The decision of the Office of Workers' Compensation Programs dated March 19, 2003 is hereby affirmed.⁴

Dated, Washington, DC
December 31, 2003

Alec J. Koromilas
Chairman

David S. Gerson
Alternate Member

A. Peter Kanjorski
Alternate Member

⁴ Appellant submitted additional evidence to the Board on appeal, but the Board's review of a case is limited to the evidence in the case record, which was before the Office at the time of its final decision. 20 C.F.R. § 501.2(c).