

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JACK R. MATZAT, JR. and DEPARTMENT OF THE NAVY,
PUGET SOUND NAVAL SHIPYARD, Bremerton, Wash.

*Docket No. 96-2135; Submitted on the Record;
Issued June 23, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant met his burden of proof to establish that he sustained an occupational disease casually related to factors of his federal employment.

On December 8, 1995 appellant, then a 49-year-old sheet metal worker, filed a notice of occupational disease and claim for compensation alleging that he suffered bilateral carpal tunnel syndrome as a result of his federal employment. He indicated that he became aware of the condition and that it was related to his federal employment on October 18, 1995. Appellant attributed his condition to years of sheet metal work as well as computer use. Appellant retired on September 29, 1995.

A September 29, 1995 "Notice of Personnel Action" indicated that appellant's position was entitled "Sheet Metal Mechanic Training Leader." An attached job summary indicated that appellant's duties consisted of instructing other workers, distributing blueprints, tools and materials, allocating work, setting the work pace, demonstrating work methods, assisting workers, assuring rules are observed, coordinating group work, checking work quality and progress, informing his superiors of work status and conducting training sessions. These duties also included developing lesson plans and reviewing reference materials.

Appellant's employment record indicated that he had been a sheet metal worker with the employing establishment from 1974 until 1995.

On October 14, 1995 Dr. Mohammad Saeed, a physician Board-certified in physical medicine and rehabilitation, performed electrodiagnostic studies. Dr. Saeed noted symptoms of aching, numbness and tingling in the right hand more than the left. He noted that median sensory and motor conductions were prolonged bilaterally. He found that ulnar sensory across the elbow was unobtainable on the left and that there was mild slowing of the motor across the elbow. Dr. Saeed also found mild slowing of the ulnar sensory and motor across the right elbow. He concluded that the study was abnormal and that the findings were consistent with moderately

severe bilateral carpal tunnel syndrome. He further noted mild ulnar neuropathy across the elbow bilaterally.

In a statement dated December 11, 1995, appellant indicated that he served as a sheet metal apprentice from 1974-1978, a sheet metal worker until 1987 and a sheet metal trainer until he retired in September 1995. He indicated that his duties from 1974 through 1987 required constant hand and wrist functions during the installation of sheet metal. Appellant elaborated that his duties included pop riveting, tin sniping, drilling, hand metal forming and lifting sheet metal components. Appellant stated that his duties from 1987 through 1995 required working on a personal computer six to eight hours per day. He indicated that he was required to schedule, view data banks and develop training aids and lesson plans.

On January 22, 1996 the Office of Workers' Compensation Programs informed appellant that the information submitted was insufficient to establish that he sustained an injury on October 18, 1995. The Office requested additional medical evidence including a physician's opinion supported by medical rationale addressing the causal relationship between his disability and the injury reported. Appellant was given 30 days to respond.

Appellant's supervisor subsequently indicated that from 1992 through 1995 appellant's primary duties were classroom instruction. The supervisor stated that appellant tracked qualifications using a personal computer, but that he did not develop lesson plans. He stated that appellant's computerized usage consisted of one finger key stroke and that appellant spent a majority of his time in the classroom in a group setting or in one-on-one instruction.

On January 6, 1996 Judi Kramer, a co-worker, indicated that appellant, after his retirement, complained of numbness in his fingers between March 1993 and September 1995.

On January 6, 1996 Gary Allen, a co-worker, stated that he did not recall appellant complaining of numbness in his hands or arms, but he did recall appellant saying he thought he had carpal tunnel syndrome due to work in the sheet metal shop and his use of a pop rivet tool.

By letter dated February 21, 1996, the Office requested additional information including a description of all employment-related activities from 1987 through 1995 that appellant thought contributed to his condition. The Office noted that appellant's description of these activities differed from the description provided by the employing establishment. The Office also requested additional medical evidence including a physician's opinion supported by medical rationale addressing the causal relationship between his disability and the injury reported. Appellant was again given 30 days to respond.

By decision dated March 25, 1996, the Office denied appellant's claim because he failed to establish fact of injury.

The Board finds that appellant did not meet his burden of proof to establish that he sustained an occupational disease causally related to factors of his federal employment.

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (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 employment factors identified by the claimant were the proximate cause of the condition, for which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.¹ The medical evidence required to establish a causal relationship, generally, is rationalized medical opinion evidence.² 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,³ must be one of reasonable medical certainty,⁴ 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.⁵

In the case, Dr. Saeed, a physician Board-certified in physical medicine and rehabilitation, provided the only medical opinion evidence of record. Although Dr. Saeed diagnosed bilateral carpal tunnel syndrome, he did not relate the condition in any manner to appellant's employment. Appellant was advised of the deficiency of this evidence twice, but he failed to provide any rationalized medical opinion establishing a causal relationship between his claimed medical condition and factors of his employment. He, therefore, failed to meet his burden of proof.

¹ See *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

² The Board held that, in certain cases, where the causal connection is obvious, expert testimony may not be necessary; see *Naomi A. Lilly*, 10 ECAB 560, 572-73 (1959). The instant case, however, is not one of obvious casual connection.

³ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁴ See *Morris Scanlon*, 11 ECAB 384, 385 (1960).

⁵ See *James D. Carter*, 43 ECAB 113 (1991); *George A. Ross*, 43 ECAB 346 (1991); *William E. Enright*, 31 ECAB 426, 430 (1980).

The decision of the Office of Workers' Compensation Programs dated March 25, 1996 is affirmed.

Dated, Washington, D.C.
June 23, 1998

Michael J. Walsh
Chairman

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member