

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of JANICE E. POWELL and DEPARTMENT OF THE ARMY,  
ARMED FORCES INSTITUTE OF PATHOLOGY, Washington, DC

*Docket No. 98-2203; Submitted on the Record;  
Issued February 15, 2000*

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DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,  
A. PETER KANJORSKI

The issue is whether appellant met her burden of proof to establish that she sustained carpal tunnel syndrome in the performance of duty.

The Board has duly reviewed the case record in the present appeal and finds that the Office of Workers' Compensation Programs properly determined, in its June 8, 1998 decision, that appellant failed to meet her burden of proof to establish that she sustained carpal tunnel syndrome caused by her employment. An employee seeking benefits under the Federal Employees' Compensation Act<sup>1</sup> has the burden of establishing 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 the Act, that the claim was timely filed within the applicable time limitation period of the Act, that an injury was sustained in the performance of duty as alleged and that any disability and/or specific condition for which compensation is claimed are causally related to the employment injury.<sup>2</sup> These are essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.<sup>3</sup>

There is no dispute that appellant is a federal employee, that she timely filed her claim for compensation benefits and that the workplace incidents or exposure occurred as alleged. However, the medical evidence is insufficient to establish that appellant sustained an injury in the performance of duty.<sup>4</sup> The Office, on March 23, 1998, requested that appellant submit a

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

<sup>2</sup> *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

<sup>3</sup> *Victor J. Woodhams*, 41 ECAB 345 (1989).

<sup>4</sup> Part of a claimant's burden of proof includes the submission of rationalized medical evidence based upon a complete factual and medical background showing causal relationship between the claimed injury and employment factors; see *Mary J. Briggs*, 37 ECAB 578 (1986); *Joseph T. Gulla*, 36 ECAB 516 (1985).

reasoned medical opinion addressing whether any work activities contributed to her condition. Appellant submitted medical reports and treatment notes from Dr. Shepherd Rosenblum, an orthopedic surgeon. However, he noted appellant's status before and after her March 13, 1998 carpal tunnel release surgery but Dr. Rosenblum did not address whether any factors of appellant's federal employment caused or aggravated appellant's carpal tunnel syndrome.<sup>5</sup> Consequently, appellant has not submitted sufficient medical evidence to establish that her carpal tunnel syndrome was caused or aggravated by employment factors. In view of this, appellant has not met her burden of proof in establishing that she sustained an injury in the performance of duty.

The June 8, 1998 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, D.C.  
February 15, 2000

Michael J. Walsh  
Chairman

George E. Rivers  
Member

A. Peter Kanjorski  
Alternate Member

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<sup>5</sup> The record also contains reports from a physician's assistant. These cannot be considered as medical evidence; *see* 5 U.S.C. § 8101(2). This subsection defines the term "physician." *See also Charley V.B. Harley*, 2 ECAB 208, 211 (1949) (where the Board held that medical opinion, in general, can only be given by a qualified physician).