U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ALFRED F. WOODS and U.S. POSTAL SERVICE,
POST OFFICE, Rochester, NY

Docket No. 01-1739; Submitted on the Record;
Issued February 27, 2002

DECISION and ORDER

Before ALEC J. KOROMILAS, DAVID S. GERSON,
WILLIE T.C. THOMAS

The issue is whether appellant met his burden of proof to establish that he sustained a carpal tunnel condition in his left arm in the performance of duty.

On March 15, 2000 appellant, a 53-year-old letter carrier, filed a Form CA-2 claim for benefits based on occupational disease, alleging that he had developed a carpal tunnel condition in his left arm, which was causally related to factors of employment.

In support of his claim, appellant submitted a February 11, 2000 electrodiagnostic report from Dr. Dave C. Mardulo, a podiatrist. He concluded that appellant had an abnormal study and stated:

> "With reference to the left upper extremity, a relative decrease in amplitude involving the left median superficial sensory branch as compared to the right is evident suggesting a mild left proximal median neuropathy with site of injury within the midforearm area. However, there are no electromyographic abnormalities to suggest motor involvement or delineate a more clear-cut level of injury referable to the left forearm."

By letter dated April 21, 2000, the Office of Workers' Compensation Programs advised appellant that it required additional factual and medical evidence to determine whether he was eligible for compensation benefits. The Office asked appellant to submit a comprehensive medical report describing his symptoms, indicating a diagnosis of the condition and the medical reasons for his condition and an opinion as to whether his claimed condition was causally related to his federal employment. The Office requested that appellant submit the additional evidence within 30 days. Appellant did not submit any additional medical evidence.

By decision dated June 20, 2000, the Office denied appellant's claim on the grounds that he did not submit medical evidence sufficient to establish that the claimed medical condition was causally related to his federal employment.

The Board finds that appellant did not meet his burden of proof to establish that he sustained a carpal tunnel condition in his left arm in the performance of duty.

An employee seeking benefits under the Federal Employees' Compensation Act[1] has the burden of establishing that 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.[2] 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.[3]

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. The medical evidence required to establish causal relationship is usually rationalized medical 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.[4]

In the present case, the only medical evidence appellant submitted, Dr. Mardulo's electrodiagnostic report, merely indicated that he had an abnormality in his left arm and did not contain an opinion bearing on causal relationship. Appellant, therefore, has failed to submit any rationalized, probative medical evidence establishing that the claimed carpal tunnel condition in his left arm is causally related to employment factors or conditions.

An award of compensation may not be based on surmise, conjecture or speculation. Neither the fact that appellant's condition became apparent during a period of employment nor the belief that his condition was caused, precipitated or aggravated by his employment is sufficient to establish causal relationship.[5] Causal relationship must be established by

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[1] 5 U.S.C. §§ 8101-8193.

[2] *Joe Cameron,* 42 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

[3] *Victor J. Woodhams*, 41 ECAB 345 (1989).

[4] *Id.*

[5] *See id.*

rationalized medical opinion evidence. The Office advised appellant of the type of evidence required to establish his claim; however, appellant failed to submit such evidence. Appellant, therefore, did not provide a medical opinion to sufficiently describe or explain the medical process through which factors of his employment would have been competent to cause his claimed condition. Thus, the Office's June 20, 2000 decision is affirmed.[6]

The decision of the Office of Workers' Compensation Programs dated June 20, 2000 is hereby affirmed.

Dated, Washington, DC
February 27, 2002

Alec J. Koromilas
Member

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member

[6] On appeal, appellant has submitted new evidence. However, the Board cannot consider evidence that was not before the Office at the time of the final decision. *See Dennis E. Maddy*, 47 ECAB 259 (1995); *James C. Campbell*, 5 ECAB 35 (1952); 20 C.F.R. § 501(c)(1). Appellant may resubmit this evidence and legal contentions to the Office accompanied by a request for reconsideration pursuant to 5 U.S.C. § 8128(a). 20 C.F.R. § 501(c).