

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

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**GWENDOLYN H. BOYD, Appellant**

**and**

**U.S. POSTAL SERVICE, POST OFFICE,  
Nashville, TN, Employer**

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**Docket No. 05-746  
Issued: July 14, 2005**

*Appearances:*  
*Gwendolyn H. Boyd, pro se*  
*Office of Solicitor, for the Director*

*Case Submitted on the Record*

**DECISION AND ORDER**

Before:

COLLEEN DUFFY KIKO, Judge  
DAVID S. GERSON, Judge  
MICHAEL E. GROOM, Alternate Judge

**JURISDICTION**

On February 14, 2004 appellant filed a timely appeal from the Office of Workers' Compensation Programs' merit decision dated January 28, 2005 denying her occupational disease claim on the grounds that she had not established an injury causally related to employment factors. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

**ISSUE**

The issue is whether appellant met her burden of proof to establish that her left hand condition was caused or aggravated by factors of her federal employment.

**FACTUAL HISTORY**

On November 18, 2004 appellant, then a 68-year-old rural mail carrier, filed an occupational disease claim alleging that she developed trigger finger of her left hand after years of casing and delivering high volumes of mail 10 to 11 hours a day. She noted that she had filed a claim for her right hand on a similar condition. Appellant first became aware of her left hand

condition on May 28, 2004. She submitted treatment notes from Dr. Jane M. Siegel, a Board-certified orthopedic surgeon. In a May 17, 2004 report, Dr. Siegel discussed appellant's right hand condition and, in reports dated June 28 and July 21, 2004, she indicated that appellant developed a locking and triggering of the left middle finger.

By letter dated December 8, 2004, the Office advised appellant of the type of factual and medical evidence needed to support her claim.

Appellant submitted a statement dated December 20, 2004 along with treatment notes from Dr. Siegel dated February 4 to August 16, 2004, which advised that she was "under" workers' compensation for the tendinitis and triggering of her fingers, had work restrictions for 40 hours per week and noted the treatment provided. In a December 29, 2003 report, Dr. Roderick A. Vaughan, a Board-certified orthopedic surgeon, noted that appellant associated her bilateral hand pain with her work activities of delivering the mail and a 10-hour shift and provided an assessment of bilateral hand arthritis, tenosynovitis and osteopenia.

In a decision dated January 28, 2005, the Office denied appellant's claim on the grounds that the medical evidence of record failed to establish that her diagnosed conditions were caused or aggravated by factors of her employment.

### **LEGAL PRECEDENT**

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 the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.<sup>3</sup>

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, generally, is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence which includes a physician's

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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, 1145 (1989).

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

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.<sup>4</sup>

### ANALYSIS

In the present case, it is not disputed that appellant has a left hand condition or that she engaged in casing and delivering mail over time. However, appellant has submitted insufficient medical evidence to establish that her left hand condition was caused or aggravated by factors of her federal employment.

The medical evidence of record, evaluation and treatment reports which revealed bilateral hand arthritis, tenosynovitis and osteopenia, fail to provide a discussion of how appellant's federal duties caused or contributed to her diagnosed medical condition. The report from Dr. Vaughan dated December 29, 2003 provided several diagnoses but failed to causally relate or provide a reasoned medical opinion that her left hand condition was in any way caused or aggravated by her work duties.<sup>5</sup> The Office informed appellant of the deficiencies in the medical evidence and what was needed to establish her claim in a letter dated December 8, 2004. While appellant submitted treatment notes regarding her left hand condition from Dr. Siegel, who noted that she developed trigger finger in her left hand, the requisite evidence needed to establish the claim is a medical opinion from her physician that explains how her federal employment contributed to her diagnosed condition. Dr. Siegel's reports do not provide a full medical history of appellant's left hand complaints and do not provide a fully rationalized opinion for relating appellant's condition to her federal employment.

While appellant believed that her years of casing and delivering high volumes of mail 10 to 11 hours a day contributed to her left hand conditions, the record contains insufficient medical opinion explaining how those specific work factors caused and/or aggravated appellant's condition. In this regard, the Board has held that the mere fact that a condition manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two.<sup>6</sup> Neither the fact that the condition became apparent during a period of employment nor the belief that the condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.<sup>7</sup> Causal relationship must be substantiated by reasoned medical opinion evidence, which is appellant's responsibility to submit.

As there is insufficient probative, rationalized medical evidence explaining how appellant's medical condition was caused or aggravated by employment factors, she has not met

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<sup>4</sup> *Id.*

<sup>5</sup> *Solomon Polen*, 51 ECAB 441 (2000); *see also Michael E. Smith*, 50 ECAB 313 (1999).

<sup>6</sup> *See Joe T. Williams*, 44 ECAB 518, 521 (1993).

<sup>7</sup> *Id.*

her burden of proof in establishing that she sustained a medical condition in the performance of duty.

**CONCLUSION**

The Board finds that appellant failed to meet her burden of proof to establish that her diagnosed medical condition was caused or aggravated in the performance of duty.

**ORDER**

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated January 28, 2005 is affirmed.

Issued: July 14, 2005  
Washington, DC

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board

David S. Gerson, Judge  
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge  
Employees' Compensation Appeals Board