

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

G.J., Appellant)	
)	
and)	Docket No. 23-0577
)	Issued: August 28, 2023
U.S. POSTAL SERVICE, BOGGS ROAD POST)	
OFFICE, Duluth, GA, Employer)	
)	

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:
ALEC J. KOROMILAS, Chief Judge
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On March 6, 2023 appellant filed a timely appeal from a December 20, 2022 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act¹ (FECA) and 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 has met her burden of proof to establish that her bilateral carpal tunnel syndrome and left cubital tunnel syndrome are causally related to the accepted factors of her federal employment.

FACTUAL HISTORY

On September 12, 2022 appellant, then a 58-year-old mail handler, filed an occupational disease claim (Form CA-2) alleging that she sustained carpal tunnel syndrome with tingling,

¹ 5 U.S.C. § 8101 *et seq.*

numbness and pain in the left hand and fingers causally related to factors of her federal employment. She indicated that she first became aware of her condition and its relationship to her federal employment on August 12, 2022. A date of work stoppage was not noted, but it was noted that appellant returned to work on August 15, 2022.

In a development letter dated October 6, 2022, OWCP informed appellant that the evidence of record was insufficient to establish her claim. It advised her of the type of factual and medical evidence needed and provided a questionnaire for her completion. OWCP afforded appellant 30 days to submit additional evidence and to respond to its inquiries.

OWCP thereafter received a nerve conduction velocity/electromyogram (NCV/EMG) study dated September 28, 2022. This study demonstrated moderate right and mild left median nerve compromise of both sensory and motor nerve fibers at or about the wrist through the carpal tunnel involving myelin with no evidence of active axonal disruption. It also demonstrated a mild left ulnar nerve compromise at or near the elbow. It noted no electrophysiologic evidence suggestive of a compromise of the right ulnar nerve of bilateral superficial radial sensory nerves; no electrophysiologic evidence suggestive of a cervical radiculopathic process involving the C5-T1 nerve roots bilaterally; no electrophysiologic evidence suggestive of a myopathic disease process; and no electrophysiologic evidence suggestive of a motor neuron disease process.

In an attending physician's report (Form CA-20) dated October 3, 2022, Dr. Cesar Molina, an orthopedic hand surgery specialist, diagnosed bilateral carpal tunnel syndrome and left cubital tunnel syndrome. He attributed these conditions to repetitive heavy lifting for many years. Dr. Molina checked a box marked "Yes" indicating that he believed these conditions were caused or aggravated by employment activity. He recommended work restrictions of no heavy lifting over five pounds with the left hand until appellant recovered.

By decision dated December 20, 2022, OWCP denied appellant's claim finding that the medical evidence of record was insufficient to establish that her diagnosed conditions were causally related to the accepted factors of his federal employment.

LEGAL PRECEDENT

An employee seeking benefits under FECA² has the burden of proof to establish 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 FECA, that the claim was timely filed within the applicable time limitation of FECA, that an injury was sustained in the performance of duty as alleged, and that any disability or medical condition for which compensation is claimed is causally related to the employment injury.³ 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.

² *Supra* note 2.

³ *C.K.*, Docket No. 19-1549 (issued June 30, 2020); *R.G.*, Docket No. 19-0233 (issued July 16, 2019); *Elaine Pendleton*, 40 ECAB 1143 (1989).

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit: (1) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; (2) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; and (3) medical evidence establishing that the diagnosed condition is causally related to the identified employment factors.⁴

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.⁵ The opinion of the physician must be based on a complete factual and medical background, 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.⁶

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish bilateral carpal tunnel syndrome and left cubital tunnel syndrome causally related to the accepted factors of her federal employment.

In a Form CA-20 dated October 3, 2022, Dr. Molina diagnosed bilateral carpal tunnel syndrome and left cubital tunnel syndrome. He attributed these conditions to repetitive heavy lifting for many years. Dr. Molina checked a box marked “Yes” indicating that he believed these conditions were caused or aggravated by employment activity. The Board has held however that when a physician’s opinion on causal relationship consists only of a checkmark on a form, without further explanation or rationale, that opinion is of diminished probative value and is insufficient to establish a claim.⁷ The Board has explained that a medical opinion should offer a medically-sound explanation regarding how the employment factors physiologically caused the diagnosed condition.⁸ Dr. Molina did not explain how appellant’s job duties would have physiologically caused her bilateral carpal tunnel syndrome and left cubital tunnel syndrome. As such, the October 3, 2022 Form CA-20 is insufficient to establish appellant’s claim.

⁴ *L.D.*, Docket No. 19-1301 (issued January 29, 2020); *S.C.*, Docket No. 18-1242 (issued March 13, 2019); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

⁵ *I.J.*, Docket No. 19-1343 (issued February 26, 2020); *T.H.*, 59 ECAB 388 (2008); *Robert G. Morris*, 48 ECAB 238 (1996).

⁶ *D.J.*, Docket No. 19-1301 (issued January 29, 2020).

⁷ *O.M.*, Docket No. 18-1055 (issued April 15, 2020); *Gary J. Watling*, 52 ECAB 278 (2001); *Lillian M. Jones*, 34 ECAB 379, 381 (1982).

⁸ *See K.C.*, Docket No. 22-0212 (issued June 14, 2022); *N.C.*, Docket No. 21-0934 (issued February 7, 2022); *M.G.*, Docket No. 21-0727 (issued October 15, 2021).

OWCP also received a diagnostic study report. The Board has held that diagnostic studies, standing alone, lack probative value on the issue of causal relationship as they do not address whether the accepted employment injury caused the diagnosed conditions.⁹

As the medical evidence of record is insufficient to establish that appellant's bilateral carpal tunnel syndrome and left cubital tunnel syndrome were causally related to the accepted employment factors, the Board finds that she has not met her burden of proof to establish her claim.

Appellant may submit new evidence or argument with a written request for reconsideration to OWCP within one year of this merit decision, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. §§ 10.605 through 10.607.

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish bilateral carpal tunnel syndrome and left cubital tunnel syndrome causally related to the accepted factors of her federal employment.

ORDER

IT IS HEREBY ORDERED THAT the December 20, 2022 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: August 28, 2023
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board

⁹ *F.D.*, Docket No. 19-0932 (issued October 3, 2019); *J.S.*, Docket No. 17-1039 (issued October 6, 2017).