

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MICHELLE A. WEBB and U.S. POSTAL SERVICE,
KANSAS CITY BULK MAIL CENTER, Kansas City, Kans.

*Docket No. 97-40; Submitted on the Record;
Issued September 9, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant has established that she has a medical condition causally related to her accepted February 3, 1995 employment injury.

In the present case, the Office of Workers' Compensation Programs accepted that on February 3, 1995 appellant, who was then a 33-year-old parcel distribution clerk, sustained a right trapezius strain as a result of her employment-related duties. Appellant stopped work on February 4, 1995, returned to limited duty on February 17, 1995 and resumed her regular duties on February 24, 1996.

On May 2, 1996 appellant filed a claim for a recurrence of disability (Form CA-2a). Appellant stated, on her claim form and in a narrative statement in support of her claim, that her shoulder had never been the same since the original injury and that she developed a small lump at the site of the original shoulder strain, which increased in size and eventually had to be surgically removed. Appellant stopped work on May 7, 1996, the date of her surgery and was released to restricted duty on June 10, 1996.

In a letter dated June 10, 1996, the Office requested that appellant submit additional factual and medical information pertaining to her claimed recurrence, to include a detailed narrative report from her attending physician and copies of all clinical treatment notes since the date of the original injury.

Subsequent to the Office's request for additional medical evidence, appellant submitted the operative report from her surgeon, Dr. Jae M. Lee, a narrative report from Dr. Anil V. Gosalia, a general practitioner and her attending physician, as well as several medical reports pertaining only to the original accepted trapezius injury.

In a decision dated July 30, 1996, the Office denied appellant's claim for recurrence of disability on the grounds that the medical evidence submitted by appellant did not establish a

causal relationship between appellant's current medical conditions and the accepted February 3, 1995 employment injury.

The Board finds that appellant did not meet her burden of proof to establish that she has a medical condition causally related to her February 3, 1995 employment injury.

Where appellant claims a recurrence of disability due to an accepted employment-related injury, she has the burden of establishing by the weight of the substantial, reliable and probative evidence that the subsequent disability, for which she claims compensation is causally related to the accepted injury.¹ This burden includes the necessity of furnishing evidence from a qualified physician who, on the basis of a complete and accurate factual and medical history, concludes that the condition is causally related to the employment injury and supports that conclusion with sound medical reasoning.²

The relevant medical evidence of file consists of the operative report dated May 7, 1996, from Dr. Jae M. Lee and a June 21, 1996 narrative report from appellant's attending physician, Dr. Anil V. Gosalia. In the operative report, Dr. Lee stated that he removed a large soft tissue tumor, consistent with lipoma, from appellant's right posterior chest wall. He stated that there were multiple extensions of the lipoma into the muscle planes of the right posterior thorax and that these had also been dissected and removed. Dr. Lee did not discuss the cause of the lipoma or its relationship, if any, to appellant's original injury.

Dr. Gosalia stated that while he was treating appellant's strained right trapezius muscle, he first noticed that she had a four to five centimeter soft tissue tumor in the same area. The physician further stated that after appellant's strain resolved, she returned to work and he did not see her again until April 4, 1996, when she returned complaining of pain in the right trapezius area. He then noted that the mass had grown to six centimeters and had become tender to the touch. He referred appellant to Dr. Lee for a surgical consultation and it was decided that the mass, a lipoma, should be removed. With respect to the relationship between the lipoma and appellant's employment, Dr. Gosalia stated:

"Medically we do not know what causes lipoma tumors. But since there was multiple extensions of lipoma into the muscle planes of the right posterior thorax then any restricted muscle movement to that area would cause significant pain. Also any heavy lifting or strenuous work with the right arm for long periods of time would aggravate the trapezius and the thorax muscles and since the lipoma was connected to the thorax this would cause a feeling of extreme pressure, swelling in this area and pain.... I felt and so did Dr. Lee that the lipoma tumor would just continue to grow and go deeper into muscle tissue causing more discomfort."

While this medical report may establish that appellant had shoulder pain in April 1996, Dr. Gosalia clearly indicated that this pain was related to the development of a lipoma soft tissue

¹ *Dominic M. DeScala*, 37 ECAB 369 (1986); *John E. Blount*, 30 ECAB 1374 (1979).

² *Nicolea Bruso*, 33 ECAB 1138 (1982); *Frances B. Evans*, 32 ECAB 60 (1980).

tumor and further clearly stated that the medical cause of such tumors is not known. Dr. Gosalia did not relate the tumor to appellant's accepted employment injury, except to note that he first noticed the tumor when he was treating her for her employment-related trapezius strain. As noted above, part of appellant's burden of proof includes the submission of reasoned medical evidence, which supports a finding that the claimed medical condition is causally related to the prior accepted employment injury.³ Neither the fact that a disease or condition manifests itself during a period of employment nor appellant's belief that the disease or condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.⁴ Accordingly, the Board finds that appellant has not submitted sufficient medical evidence to establish the requisite causal connection between the development of a lipoma and the subsequent need for surgical intervention and her February 3, 1995 employment injury.

The decision of the Office of Workers' Compensation Programs dated July 30, 1996 is hereby affirmed.

Dated, Washington, D.C.
September 9, 1998

Michael J. Walsh
Chairman

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member

³ *Dominic M. DeScala*, *supra* note 1; *Nicolea Bruso*, *supra* note 2.

⁴ *Minnie L. Bryson*, 44 ECAB 713 (1993); *Froilan Negron Marrero*, 33 ECAB 796 (182).