

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MATTIE GARRETT and DEPARTMENT OF AGRICULTURE,
AMS, POULTRY DIVISION, Jackson, Miss.

*Docket No. 97-2095; Submitted on the Record;
Issued April 28, 1999*

DECISION and ORDER

Before WILLIE T.C. THOMAS, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issues are: (1) whether the Office of Workers' Compensation Programs properly terminated appellant's compensation effective March 5, 1995; (2) whether the Office properly denied modification on April 11, 1997.

The Board has given careful consideration to the issues involved, the contentions on appeal and the entire case record. The Board finds that the decision of the Office hearing representative dated November 12, 1996 and finalized November 13, 1996 is in accordance with the facts and the law in the case and hereby adopts the findings and conclusions of the hearing representative.

The Board also finds that on April 11, 1997 the Office properly denied modification of its November 13, 1996 decision. On February 19, 1997 appellant, through counsel, requested reconsideration and submitted additional evidence. By decision dated April 11, 1997, the Office again denied the claim, finding the evidence insufficient to warrant modification of its prior decision.

Causal relationship is a medical issue¹ and the medical evidence required to establish a causal relationship is rationalized medical evidence. Rationalized medical evidence is medical evidence which includes a physician's rationalized medical 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.² Moreover, neither the

¹ *Mary J. Briggs*, 37 ECAB 578 (1986).

² *Gary L. Fowler*, 45 ECAB 365 (1994); *Victor J. Woodhams*, 41 ECAB 345 (1989).

mere fact that a disease or condition manifests itself during a period of employment nor the belief that the disease or condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.³

With her reconsideration request, appellant submitted physical therapy notes and a brief form report in which Dr. Tom Pace diagnosed a right shoulder sprain. All of the reports are dated in September 1989 and all concern her shoulder condition at that time. As the Office accepted that appellant sustained an employment-related right shoulder strain and a rotator cuff tear and paid compensation until it was terminated effective March 5, 1995, this evidence is of no probative value regarding her condition after that time or whether her neck condition is employment related. The Office, in its April 11, 1997 decision, therefore properly declined to modify the hearing representative's decision.

The decisions of the Office of Workers' Compensation Programs dated April 11, 1997 and November 12, 1996 and finalized on November 13, 1996 are hereby affirmed.

Dated, Washington, D.C.

April 28, 1999

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member

³ *Minnie L. Bryson*, 44 ECAB 713 (1993); *Froilan Negron Marrero*, 33 ECAB 796 (182).