

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of LINDSEY L. HYDE and U.S. POSTAL SERVICE,
POST OFFICE, Carbondale, IL

*Docket No. 00-63; Submitted on the Record;
Issued October 18, 2000*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant sustained an injury in the performance of duty.

On February 5, 1999 appellant, a 50-year-old clerk, filed a notice of occupational disease and claim for compensation (Form CA-2) alleging that he sustained an injury to his right shoulder while in the performance of duty. Appellant explained that reaching above his shoulder and throwing mail caused sharp pain and tingling in his shoulder and arm. He identified August 2, 1998 as the date he became aware of his condition and appellant further indicated that on January 20, 1999 he realized his condition was caused or aggravated by his employment. Although appellant indicated on a Form CA-2 that he first received medical attention for his claimed condition on August 3, 1998, appellant did not submit any medical evidence in support of his claim for compensation.

By letter dated March 1, 1999, the Office of Workers' Compensation Programs requested that appellant submit medical evidence in support of his claim. Appellant was further advised that the case would remain open for approximately 30 days in order to submit the requested information. In response, the Office received a February 19, 1999 report from Dr. Mark D. Preuss, a Board-certified family practitioner, who noted that he recently treated appellant for complaints of neck and right arm pain. Additionally, Dr. Preuss provided work restrictions.

In a decision dated May 28, 1999, the Office denied appellant's claim on the basis that he failed to establish that his claimed right shoulder condition was caused by his employment.

The Board finds that appellant has not met his burden of proof in establishing that he sustained an injury in the performance of duty.

In an occupational disease claim, in order to establish that an injury was sustained in the performance of duty, 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 appellant 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.¹

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 the condition was caused, precipitated or aggravated by her employment is sufficient to establish a causal relationship.² Causal relationship is a medical question that can generally be resolved only by rationalized medical opinion evidence.³ A physician's opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors must be based on a complete factual and medical background of the claimant.⁴ Additionally, in order to be considered rationalized, the opinion must be expressed in terms of a reasonable degree of medical certainty, and must be supported by medical rationale, explaining the nature of the relationship between the diagnosed condition and the claimant's specific employment factors.⁵

The medical evidence accompanying appellant's claim is of little probative value. In his February 19, 1999 report, Dr. Preuss did not provide a specific diagnosis of appellant's condition other than to note that he had recently treated appellant for complaints of "neck and right arm pain." Furthermore, Dr. Preuss did not offer an opinion as to the cause of appellant's "neck and right arm pain." Lastly, Dr. Preuss did not indicate that the work restrictions he imposed were the result of appellant having sustained an employment-related condition. In the absence of rationalized medical opinion evidence diagnosing a condition causally related to appellant's employment factors, appellant has failed to demonstrate that he sustained an injury in the performance of duty.⁶

¹ *Victor J. Woodhams*, 41 ECAB 345 (1989).

² *Robert G. Morris*, 48 ECAB 238, 239 (1996).

³ *Id.*

⁴ *Victor J. Woodhams*, *supra* note 1.

⁵ *Id.*

⁶ *Id.*

The May 28, 1999 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
October 18, 2000

David S. Gerson
Member

Willie T.C. Thomas
Member

A. Peter Kanjorski
Alternate Member