

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of VALERIE L. GUITARD and U.S. POSTAL SERVICE,
POST OFFICE, Cheshire, CT

*Docket No. 00-146; Submitted on the Record;
Issued October 18, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, A. PETER KANJORSKI,
PRISCILLA ANNE SCHWAB

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

On May 24, 1999 appellant, a 35-year-old letter carrier, filed a notice of occupational disease and claim for compensation (Form CA-2) alleging that she suffered from shoulder pain as a result of having to carry a heavy volume of mail on a daily basis. She identified May 1, 1999 as the date she became aware of her condition and further indicated that on May 24, 1999 she first realized that her condition was caused or aggravated by her employment. Dr. Jennifer Patten, a Board-certified internist, initially treated appellant for her injury on May 24, 1999 and diagnosed left shoulder strain. She placed appellant on light duty and recommended physical therapy.

By letter dated June 9, 1999, the Office of Workers' Compensation Programs requested that appellant submit additional factual and medical information. She was further advised that the case would remain open for approximately 30 days. In response, the Office received Dr. Patten's treatment records covering the period May 24 through June 8, 1999 as well as appellant's physical therapy records covering the same period. Dr. Patten released appellant to return to her regular duties without restriction effective June 8, 1999. Appellant also submitted a June 15, 1999 statement.

In a decision dated August 20, 1999, the Office denied appellant's claim on the basis that she failed to establish that her claimed left shoulder condition was caused by her employment.

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

A claimant seeking compensation under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of her claim by the weight of the reliable,

¹ 5 U.S.C. §§ 8101-8193.

probative and substantial evidence, including that an injury was sustained in the performance of duty as alleged and that any disability or specific condition for which compensation is being claimed is causally related to the employment injury.²

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.³ Causal relationship is a medical question that can generally be resolved only by rationalized medical opinion evidence.⁴ 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.⁵ 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 claimant's specific employment factors.⁶

The medical evidence accompanying appellant's claim is of little probative value in determining the cause of her injury. Although Dr. Patten diagnosed left shoulder sprain, she did not specifically attribute appellant's condition to her employment. Dr. Patten's treatment notes dated May 24, June 1 and June 8, 1999 do not address the issue of causal relationship. As such, appellant has failed to present rationalized medical opinion evidence demonstrating a causal relationship between her claimed left shoulder condition and her employment. Accordingly, appellant has failed to demonstrate that she sustained an injury in the performance of duty.

² See *Jacquelyn L. Oliver*, 48 ECAB 232, 235-36 (1996); *Melinda C. Epperly*, 45 ECAB 196 (1993); *Elaine Pendleton*, 40 ECAB 1143 (1989).

³ *Robert G. Morris*, 48 ECAB 238, 239 (1996).

⁴ *Id.*

⁵ *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

⁶ *Id.*

The August 20, 1999 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
October 18, 2000

Michael J. Walsh
Chairman

A. Peter Kanjorski
Alternate Member

Priscilla Anne Schwab
Alternate Member