

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of VERONICA LORENZO and U.S. POSTAL SERVICE,
POST OFFICE, Tampa, FL

*Docket No. 01-890; Submitted on the Record;
Issued November 21, 2001*

DECISION and ORDER

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

The issue is whether appellant has met her burden of proof in establishing that her medical condition is causally related to factors of her employment.

On March 31, 2000 appellant, a 34-year-old letter carrier, filed a claim for pain in her arms, particularly her left arm, which she related to repetitive motion in reaching, stretching and casing the mail. In a subsequent statement, appellant indicated that she was constantly reaching with her left arm in her postal vehicle to pick up the mail for delivery.

In a May 26, 2000 decision, the Office of Workers' Compensation Programs denied appellant's claim on the grounds that she had not demonstrated she had sustained an injury in the performance of duty.

In a June 23, 2000 letter, appellant's representative requested reconsideration. In an August 15, 2000 merit decision, the Office denied appellant's request for modification of the employment injury. In a November 27, 2000 letter, appellant again requested reconsideration. In a January 11, 2001 merit decision, the Office again denied appellant's request for modification.

The Board finds that the case is not in posture for decision.

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

¹ See Ronald K. White, 37 ECAB 176, 178 (1985).

² See Walter D. Morehead, 31 ECAB 188, 194 (1979).

the employment factors identified by the claimant 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.³ The medical evidence required to establish causal relationship, generally, is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized 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,⁴ must be one of reasonable medical certainty,⁵ 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.⁶

In a March 31, 2000 report, Dr. Erick A. Grana, a physiatrist, stated that appellant was complaining of neck pain and left arm pain and numbness for approximately one year. Dr. Grana noted the symptoms had progressively been getting worse. He indicated that appellant complained her symptoms were being aggravated by her work activities, particularly in delivering the mail in which she used her left arm in a repetitive motion. In an April 19, 2000 report, Dr. Grana noted that a magnetic resonance imaging scan and electrodiagnostic studies were normal. He diagnosed cervical muscle strain and cervical myofascial pain. Dr. Grana commented that appellant's pain appeared to be a myofascial type of pain in the absence of any neurogenic or discogenic source of the pain. In a June 5, 2000 report, he stated that he had read appellant's statement describing the conditions of her employment. Dr. Grana concluded that appellant's employment, including repetitive motion with her arms, repetitive lifting and overhead lifting, had produced appellant's symptoms even though there was not a precipitating event. He related appellant's injury to repetitive trauma. Dr. Grana stated appellant's employment caused primary exacerbation of her symptoms. In a September 27, 2000 report, he indicated continued symptoms of chronic neck, shoulder and arm pain as well as chronic low back pain. Dr. Grana noted from a review of appellant's medical records that she had been experiencing those problems for at least three years and they had been getting progressively worse. He stated that appellant's symptoms were related to appellant's employment, particularly repetitive motion, repetitive lifting, repetitive twisting and bending of the trunk and repetitive overhead lifting. Dr. Grana diagnosed chronic lumbar muscle strain, chronic cervical muscle strain and muscle spasms.

Dr. Grana consistently stated that appellant's conditions, which he diagnosed as chronic lumbar strain and chronic cervical strain, were caused and exacerbated by her repetitive motions in reaching, lifting, reaching overhead, bending and twisting. Dr. Grana, therefore, specifically related appellant's conditions to factors of her employment. These reports are uncontradicted by any other medical evidence of record. Dr. Grana's reports, while insufficient to meet appellant's

³ See generally *Lloyd C. Wiggs*, 32 ECAB 1023, 1029 (1981).

⁴ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁵ See *Morris Scanlon*, 11 ECAB 384, 385 (1960).

⁶ See *William E. Enright*, 31 ECAB 426, 430 (1980).

burden of proof, are sufficient to require further development of the record.⁷ The case must, therefore, be remanded for referral of appellant, together with a statement of accepted facts and the case record, to an appropriate specialist for an examination, diagnosis of her conditions and a rationalized opinion on whether the diagnosed conditions are causally related to factors of her employment. After further development as it may find necessary, the Office should issue a *de novo* decision.

The decisions of the Office of Workers' Compensation Programs, dated January 11, 2001, August 15 and May 26, 2000, are hereby set aside and the case remanded for further action as set forth in this decision.

Dated, Washington, DC
November 21, 2001

David S. Gerson
Member

Willie T.C. Thomas
Member

A. Peter Kanjorski
Alternate Member

⁷ *John J. Carlone*, 41 ECAB 354 (1989).