

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JACK R. CLYMER and U.S. POSTAL SERVICE,
POST OFFICE, Dallas, TX

*Docket No. 00-2683; Submitted on the Record;
Issued September 21, 2001*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
BRADLEY T. KNOTT

The issue is whether appellant has met his burden of proof in establishing that he developed a left shoulder condition due to factors of his federal employment.

Appellant, a 54-year-old mailhandler, filed a notice of occupational disease on January 4, 2000 alleging that he developed a left shoulder condition due to lifting parcels, sacks and buckets in the performance of duty. By decision dated February 25, 2000, the Office of Workers' Compensation Programs denied appellant's claim finding that he failed to submit sufficient medical evidence. Appellant requested reconsideration on March 5, 2000. By decision dated June 8, 2000, the Office declined to reopen appellant's claim for consideration of the merits finding that his reconsideration request did not include the medical evidence mentioned. Appellant submitted additional evidence and requested reconsideration on June 15, 2000. By decision dated July 12, 2000, the Office denied modification of its February 25, 2000 decision.

The Board finds that appellant failed to meet his burden of proof in establishing that he developed a left shoulder condition due to factors of his federal employment.

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; (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 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. The evidence required to establish causal relationship is rationalized medical opinion evidence, based upon a complete factual and medical background, showing a causal relationship between

the claimed condition and identified factors. The belief of a claimant that a condition was caused or aggravated by the employment is not sufficient to establish causal relation.¹

In this case, the Office found that the medical evidence submitted was not sufficient to establish a causal relationship between appellant's diagnosed condition and the accepted employment factors.

In support of his claim, appellant submitted a medical report dated January 3, 2000 diagnosing tendinitis and left shoulder impingement. This report does not provide an opinion on the causal relationship between appellant's work duties and his diagnosed condition.

In a noted dated March 2, 2000, Dr. E. Olayinka Ogunro, a Board-certified orthopedic surgeon, diagnosed severe left shoulder impingement syndrome, but did not provide an opinion on the causal relationship between this condition and appellant's employment duties. Appellant also submitted a work release note dated June 15, 2000 which did not include a history of injury nor an opinion on causal relationship.

As appellant failed to submit the necessary medical opinion evidence establishing a causal relationship between his diagnosed condition of left shoulder impingement and his work duties, appellant has failed to meet his burden of proof and the Office properly denied his claim.

The July 12, June 8 and February 25, 2000 decisions of the Office of Workers' Compensation Programs are hereby affirmed.

Dated, Washington, DC
September 21, 2001

David S. Gerson
Member

Willie T.C. Thomas
Member

Bradley T. Knott
Alternate Member

¹ *Lourdes Harris*, 45 ECAB 545, 547 (1994).