



Appellant first became aware of her disease on December 24, 2003, and aware that it was caused or aggravated by her employment on February 3, 2005. She previously injured her right shoulder in December 2003 by pulling trays from the top of a cart. On February 2, 2005 she experienced right arm and shoulder pain sorting manual letters. Appellant's supervisor stated that appellant did not perform any work outside her light-duty restrictions of lifting no more than 30 pounds and no reaching above the shoulder. The employing establishment noted that on Christmas Eve 2003 appellant had to pull mail down from the top shelf of a cage, causing soreness to her arms.

In a January 7, 2004 report, Dr. John Hosey, a Board-certified rheumatologist who treated appellant for left rotator cuff tendinitis and a left frozen shoulder, stated that she returned with a new problem of right shoulder pain that developed within the past month. Appellant attributed the pain to "having been put on a machine at work that requires prolonged or repetitive use of the arms at or above shoulder level." Dr. Hosey diagnosed right rotator cuff tendinitis, "likely to have been brought on by prolonged or repetitive work activities, working at or above shoulder level. Appellant has had problems with each shoulder and it is possible she will not be able to continue to do any work on a regular basis using the arms at or above shoulder level without aggravating these symptoms in the shoulders." In March 1, 2005 reports, Dr. Hosey indicated appellant's right shoulder condition was possibly caused and definitely aggravated by her employment, and that she could not perform any reaching above her shoulder. In a March 10, 2005 report, Dr. Cynthia B. Passarelli, a Board-certified neurologist, indicated by checking a box on an Office form that appellant's cervical radiculopathy and tendinitis were related to repetitive lifting.

By letters dated March 16, 2005, the Office advised appellant of the factual and medical evidence needed to support her claim and requested additional evidence from the employing establishment on the duties she performed. In an April 27, 2005 letter, appellant stated that she had been on light duty since March 2001 with a restriction against lifting over her head, that because she was on light duty the employing establishment only used her to run machines during times the people assigned to run them were on break. On June 27, 2003 she had to feed and sweep a machine, which required her to handle bins of mail up to 60 inches from the floor and caused her right arm to hurt. On December 24, 2003 she was required to raise her arms to lift mail from cages, which resulted in right shoulder and arm pain. On February 2, 2005 her neck, shoulder and arm hurt so bad she told her supervisor she could not pull down mail. Appellant's supervisor, in a March 24, 2005 letter, stated that on December 24, 2003 appellant worked no more than three and one-half hours on a machine, that the cages she stated she worked with that day had only 3 of 18 trays above shoulder height, and that appellant worked an average of 27 hours from July 28 to December 24, 2003.

Appellant submitted additional medical evidence. In June 6 and July 11, 2003 reports, Dr. Lester P. Mietkiewicz, who is Board-certified in internal medicine and in geriatric medicine, set forth work tolerance limitations related to appellant's left shoulder condition, which he diagnosed as a frozen left shoulder in a June 10, 2003 report. On January 8, 2004 the employing establishment granted appellant's request for light duty, including limited reaching above the shoulder as tolerated, as proscribed in a January 1, 2004 report from Dr. Mietkiewicz. In a June 3, 2005 report, Dr. F. Joseph Celona, a Board-certified internist, noted that appellant was "having difficulty getting through the day because of pain in the shoulder," that x-rays

demonstrated degenerative spondylosis of the cervical spine, that the main limiting factor on examination was limitation of movement of the cervical spine, and that her main limiting factor was pain located in the trapezius region of the cervical spine rather than in the shoulder. In a report on an Office form, Dr. Celona indicated by checking a box that appellant's cervical spondylosis was aggravated by her employment.

By decision dated July 15, 2005, the Office found that the medical evidence did not establish that the claimed medical condition was related to the established work-related events.

### **LEGAL PRECEDENT**

Appellant has the burden of establishing by the weight of the reliable, probative and substantial evidence that her condition was caused or adversely affected by her employment. As part of this burden she must present rationalized medical opinion evidence, based on a complete factual and medical background, showing causal relation. The mere fact that a disease manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two. Neither the fact that the disease became apparent during a period of employment, nor the belief of appellant that the disease was caused or aggravated by employment conditions, is sufficient to establish causal relation.<sup>1</sup>

### **ANALYSIS**

Appellant has not met her burden of proving that her right shoulder or neck condition is causally related to her employment. In a January 7, 2004 report, Dr. Hosey stated that it was likely that appellant's right rotator cuff tendinitis had been brought on by prolonged or repetitive work at or above shoulder level. This opinion is not supported by rationale, but is also based on an inaccurate history. The evidence, including appellant's own statements, shows that she performed only light duty for a left shoulder condition for months, if not years, before Dr. Hosey noted a new problem of right shoulder pain on January 7, 2004. This light duty entailed limited working above shoulder height, and the work she performed on December 24, 2003 involved reaching above the shoulder, but only 3 of 18 trays were at this height and appellant performed such work for no more than three and one-half hours. The amount of work she performed that involved working above shoulder height cannot be accurately described as prolonged or repetitive.

The only other medical evidence that supports causal relation of any condition to appellant's employment consists of two physicians, Drs. Passarelli and Celona, checking boxes on Office forms to indicate appellant's cervical radiculopathy or spondylosis were related to her employment. Without an accurate history of work activities and rationale on causal relationship, such reports are insufficient to meet appellant's burden of proof.<sup>2</sup>

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<sup>1</sup> *Froilan Negron Marrero*, 33 ECAB 796 (1982).

<sup>2</sup> *Beverly J. Duffey*, 48 ECAB 569 (1997).

**CONCLUSION**

The Board finds that appellant has not submitted sufficient medical evidence to establish that her right shoulder or neck condition is causally related to her employment.

**ORDER**

**IT IS HEREBY ORDERED THAT** the July 15, 2005 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: February 13, 2006  
Washington, DC

Alec J. Koromilas, Chief Judge  
Employees' Compensation Appeals Board

David S. Gerson, Judge  
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge  
Employees' Compensation Appeals Board