



rotator cuff tear. He opined that, given appellant's physical findings and history, appellant had a rotator cuff tear, which was symptomatic and would require surgery.

By letter dated December 27, 2006, the Office advised appellant that it required additional factual and medical evidence to determine whether he was eligible for compensation benefits. The Office asked appellant to submit a comprehensive medical report from his treating physician describing his symptoms and medical reasons for his condition and an opinion as to whether his claimed condition was causally related to his federal employment.

In response, appellant submitted a copy of a December 5, 2006 MRI scan of the right shoulder along with medical reports from Dr. Hughes, which consisted of: a January 8, 2007 duty status and progress report and progress reports and work restriction forms dated October 26, November 27 and December 8, 2006 and January 8 and February 14, 2007. In many of his progress reports, Dr. Hughes diagnosed right shoulder impingement syndrome. In his January 8, 2007 reports, he noted that appellant was a letter carrier/collector and set forth his examination findings. Dr. Hughes opined that appellant's signs and symptoms were compatible with an impingement syndrome and possibly an underlying rotator cuff tear. He opined that appellant was able to lift up to approximately 15 pounds. In his February 14, 2007 report, Dr. Hughes noted that appellant had improving range of motion and muscle strength but still had to take pain medicine at night due to heavy lifting, pushing and pulling at work. He noted that appellant's shoulder discomfort seemed to have begun at work and stated that appellant's shoulder discomfort was aggravated by his work activities.

By decision dated February 26, 2007, the Office denied appellant's claim, finding that he failed to submit medical evidence sufficient to establish that he sustained the claimed right shoulder condition in the performance of duty.

### **LEGAL PRECEDENT**

An employee seeking benefits under the Federal Employees' Compensation Act<sup>1</sup> has the burden of establishing that the essential elements of his or her claim including the fact that the individual is an employee of the United States within the meaning of the Act, that the claim was timely filed within the applicable time limitation period of the Act, that an injury was sustained in the performance of duty as alleged and that any disability and/or specific condition for which compensation is claimed are causally related to the employment injury.<sup>2</sup> These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.<sup>3</sup>

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

---

<sup>1</sup> 5 U.S.C. §§ 8101-8193.

<sup>2</sup> *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

<sup>3</sup> *Victor J. Woodhams*, 41 ECAB 345 (1989).

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 medical evidence required to establish a causal relationship 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, must be one of reasonable medical certainty 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.<sup>4</sup>

Appellant has the burden of establishing by the weight of the reliable, probative and substantial evidence that his condition was caused or adversely affected by his employment.<sup>5</sup> Neither the mere fact that a disease or condition manifests itself during a period of employment nor the belief that the disease or condition was caused or aggravated by employment factors or incidents is sufficient to establish a causal relationship.<sup>6</sup>

### ANALYSIS

It is not disputed that appellant's job requires him to lift mail, case mail and perform other similar activities. However, the Board finds that appellant has failed to submit any medical evidence containing a rationalized, probative opinion which relates his claimed right shoulder condition to factors of his employment. For this reason, he has not discharged his burden of proof to establish his claim that this condition was sustained in the performance of duty.

In support of his claim, appellant submitted numerous reports from Dr. Hughes. While many of Dr. Hughes' reports contain a diagnosis of right shoulder impingement syndrome or right rotator cuff tear, none of the reports contain a reasoned discussion on the cause of the diagnosed condition. In his February 14, 2007 report, Dr. Hughes noted that appellant's shoulder discomfort seems to have begun at work. He concluded that appellant's shoulder discomfort was aggravated by his work activities of heavy lifting, pushing and pulling. Dr. Hughes, however, did not explain the reasons why appellant's work duties as a letter carrier would cause or contribute to appellant's right shoulder discomfort, impingement syndrome or rotator cuff tear. As noted above, the medical evidence required to establish a causal relationship is rationalized medical opinion evidence. The mere fact that appellant was asymptomatic of prior right shoulder problems or that the condition manifested itself during a period of employment does not raise an inference of causal relation.<sup>7</sup> Dr. Hughes' opinion is, therefore, of limited probative

---

<sup>4</sup> *Id.*

<sup>5</sup> *See Charles D. Edwards*, 55 ECAB 258 (2004).

<sup>6</sup> *Ronald K. Jablanski*, 56 ECAB \_\_\_\_ (Docket No. 05-482, issued July 13, 2005). *See also Dennis M. Mascarenas*, 49 ECAB 215, 218 (1997).

<sup>7</sup> *See Ernest St. Pierce*, 51 ECAB 623 (2000).

value as it does not contain any medical rationale explaining how or why appellant's right shoulder condition was currently affected by or related to factors of appellant's employment.<sup>8</sup> Other medical reports of record do not specifically address how or why particular employment duties have caused or aggravated a diagnosed medical condition.

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 his condition was caused, precipitated or aggravated by his employment is sufficient to establish a causal relationship.<sup>9</sup> Causal relationship must be established by rationalized medical opinion evidence. The Office advised appellant of the type of medical evidence required to establish his claim; however, he failed to submit such evidence. Accordingly, the Office properly denied appellant's claim for compensation based on a right shoulder condition.

**CONCLUSION**

Appellant has not met his burden of proof in establishing that he developed a right shoulder condition in the performance of duty.

**ORDER**

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated February 26, 2007 is affirmed.

Issued: December 6, 2007  
Washington, DC

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

David S. Gerson, Judge  
Employees' Compensation Appeals Board

James A. Haynes, Alternate Judge  
Employees' Compensation Appeals Board

---

<sup>8</sup> *William C. Thomas*, 45 ECAB 591 (1994).

<sup>9</sup> *See id.*