

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ELDON L. SANDERS and U.S. POSTAL SERVICE,
POST OFFICE, Chicago, IL

*Docket No. 99-2052; Submitted on the Record;
Issued August 21, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, MICHAEL E. GROOM,
A. PETER KANJORSKI

The issue is whether appellant established that he sustained an injury in the performance of duty on February 25, 1999.

On February 27, 1999 appellant, a 38-year-old letter carrier, filed a notice of traumatic injury and claim for compensation (Form CA-1) alleging that he sustained an injury to his right shoulder while carrying mail on February 25, 1999. He ceased work on February 26, 1999 and returned to limited duty the following day. On February 26, 1999 appellant sought treatment for his shoulder injury at the emergency department of Ingalls Memorial Hospital. The emergency department discharge instructions noted a diagnosis of right shoulder sprain.¹ Additionally, appellant was prescribed Naproxen and was advised to utilize a sling and to minimize the use of his right arm for a period of two days. He returned to work the following day.

By letter dated March 26, 1999, the Office of Workers' Compensation Programs requested that appellant submit additional factual and medical information. Appellant was further advised that the case would remain open for 30 days in order to submit the requested information. In a response dated April 22, 1999, appellant explained that he was carrying his mail in his bag on his right shoulder and in "some kind of way," he strained the muscle in his right shoulder. He further explained that he did not experience any similar disability or symptoms prior to the alleged incident on February 25, 1999. Appellant, however, did not submit any additional medical evidence. Rather, he resubmitted a copy of the February 26, 1999 emergency department discharge instructions.

In a decision dated April 29, 1999, the Office denied appellant's claim on the basis that he failed to establish that his claimed right shoulder sprain was causally related to the alleged employment incident of February 25, 1999.

¹ The discharge instructions did not include a history of injury or any other information regarding the cause of appellant's right shoulder sprain.

The Board finds that appellant has not met his burden of proof in establishing that he sustained an injury in the performance of duty on February 25, 1999.

In order to determine whether an employee actually sustained an injury in the performance of duty, the Office begins with an analysis of whether fact of injury has been established. Generally, fact of injury consists of two components that must be considered in conjunction with one another. The first component to be established is that the employee actually experienced the employment incident that is alleged to have occurred.² The second component is whether the employment incident caused a personal injury.³ This latter component generally can be established only by medical evidence.⁴ In the instant case, the Office denied appellant's claim based on his failure to satisfy this latter component.

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 his employment is sufficient to establish a causal relationship.⁵ Causal relationship is a medical question that can generally be resolved only by rationalized medical opinion evidence.⁶ 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.⁷ 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.⁸

In the instant case, the record is devoid of any medical evidence attributing appellant's diagnosed right shoulder sprain to the alleged employment incident of February 25, 1999. The medical evidence submitted relating to his hospital treatment did not include any history of injury. The Office advised appellant of the need for additional medical documentation by letter dated March 26, 1999 and afforded him a reasonable opportunity to submit such evidence. No additional medical evidence was received by the Office. In view of the absence of medical evidence diagnosing a condition causally related to the alleged February 25, 1999 employment incident, appellant has failed to establish that he sustained an injury in the performance of duty. Accordingly, the Office properly denied appellant's claim for compensation.

² *Elaine Pendleton*, 40 ECAB 1143 (1989).

³ *Id.*

⁴ *See John M. Tornello*, 35 ECAB 234 (1983).

⁵ *Robert G. Morris*, 48 ECAB 238, 239 (1996).

⁶ *Id.*

⁷ *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

⁸ *Id.*

The April 29, 1999 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, D.C.
August 21, 2000

Michael J. Walsh
Chairman

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member