



In a letter dated April 22, 2005, the Office requested additional factual and medical information.

In response appellant submitted medical records consisting of progress notes dated from September 2001 until November 2001 indicating that appellant sought treatment during this time period for right arm pain. These notes were unsigned but appear to have been prepared by Dr. David Minter, a Board-certified orthopedic surgeon.

A progress note dated March 23, 2005, signed by Dr. Anna T. Mammen, Board-certified in family medicine, provided the diagnosis of “right shoulder pain secondary to biceps tendinitis versus supraspinatus tendinitis.” A medical record dated April 26, 2005 from the employee health department gave the diagnosis of “right brachial radial nerve impingement” and was signed, however, the signature is illegible and not identified.

By decision dated June 6, 2005, the Office found that the medical evidence did not demonstrate that the claimed medical condition was related to appellant’s employment.

On May 7, 2006 appellant submitted a request for reconsideration. The Office had received new medical evidence after the June 6, 2005 decision and granted a merit review. The medical evidence included progress notes and physical therapy notes. The progress note dated July 13, 2005 and signed by Dr. Minter, provided a diagnosis of “impingement syndrome from a shoulder strain not improving.” The medical evidence also included physical therapy notes dated June 15 and July 11, 2005 that noted shoulder pain but provided no diagnosis and were not executed by a physician.

By decision dated June 30, 2006, the Office found the additional documentation sufficient to proceed with a merit review of appellant’s claim but denied modification of the June 6, 2005 decision stating that there was insufficient medical evidence to show that appellant’s condition was causally related to the injury.

### **LEGAL PRECEDENT**

An employee seeking benefits under the Federal Employees’ Compensation Act<sup>1</sup> has the burden of establishing 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>

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<sup>1</sup> 5 U.S.C. §§ 8101-8193

<sup>2</sup> *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

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

In order to determine whether an employee sustained a traumatic 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.<sup>4</sup> The second component is whether a personal injury was sustained in the performance of duty as alleged and that any disability or specific condition for which compensation is claimed is causally related to the employment injury.<sup>5</sup>

The claimant has the burden of establishing by the weight of reliable, probative and substantial evidence that the condition for which compensation is sought is causally related to a specific employment incident or to specific conditions of employment.<sup>6</sup> Causal relationship is a medical question that can generally be resolved only by rationalized medical opinion evidence.<sup>7</sup> Rationalized medical opinion evidence is medical evidence that includes a physician’s rationalized opinion on whether there is a causal relationship between the claimant’s diagnosed condition and the established incident or factor of employment. The opinion 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 established incident or factor of employment.<sup>8</sup>

An award of compensation may not be based on appellant’s belief of causal relationship. 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 causal relationship.<sup>9</sup>

### ANALYSIS

Appellant alleged that he sustained a right arm and shoulder injury on March 22, 2005 when he was removing dirty linen from the hamper. The Office accepted that the employment incident occurred as alleged. The medical evidence presented, however, does not contain a rationalized medical opinion establishing that the work-related incident caused appellant’s diagnosed condition.

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<sup>4</sup> *Elaine Pendleton*, *supra* note 2.

<sup>5</sup> *Robert Broome*, 55 ECAB 339 (2004); *see also Elaine Pendleton supra* note 2.

<sup>6</sup> *Katharine J. Friday*, 47 ECAB 591, 594 (1996).

<sup>7</sup> *See Robert G. Morris*, 48 ECAB 238 (1996). A physician’s opinion on the issue of causal relationship must be based on a complete factual and medical background of the claimant. *Victor J. Woodhams*, *supra* note 3. 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 the claimant’s specific employment factors. *Id.*

<sup>8</sup> *John W. Montoga*, 54 ECAB 306 (2003).

<sup>9</sup> *Dennis M. Mascarenas*, 49 ECAB 215, 218 (1997).

Dr. Minter's reports fail to provide sufficient support to establish appellant's claim. All progress notes prior to March 22, 2005 are of no probative value as they are about previous conditions and not related to the incident on that date. Dr. Minter's letter on May 19, 2005 provided neither a diagnosis nor causal relationship. The July 13, 2005 progress note from Dr. Minter provided a diagnosis but failed to discuss the employment incident or any causal relation between the incident and the injury. While an opinion on causal relationship may not require extensive explanation, this is not a case of clear-cut injury that requires no explanation.<sup>10</sup> Appellant clearly had prior medical problems related to his right arm in 2001 and the medical evidence from 2005 offers at least two diagnoses.

The remaining medical evidence of record is insufficient to establish appellant's claim. Dr. Mammen's progress note on March 23, 2005 gave a diagnosis, however, it failed to discuss the employment incident or any causal relation between appellant's injury and incident. Notes from June 15 and July 11, 2005 lack probative value on three counts, it lacks proper identification in that it is unsigned, it lacks a diagnosis and it lacks any opinion on causal relationship.

Appellant has expressed his belief that his right shoulder and arm condition resulted from the March 22, 2005 employment incident. The Board has held that the mere fact that a condition manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two.<sup>11</sup> Neither the fact that a condition became apparent during a period of employment nor the belief that the condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.<sup>12</sup>

As there is no probative, rationalized medical evidence addressing how appellant's claimed back condition was caused or aggravated by his employment, appellant has not met his burden of proof in establishing that he sustained an injury in the performance of duty causally related to factors of his federal employment.

### CONCLUSION

Appellant has not met his burden of proof to establish that he sustained a traumatic injury to his right shoulder causally related to the March 22, 2005 employment incident.

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<sup>10</sup> Federal (FECA) Procedural Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.805 (June 1995).

<sup>11</sup> *Joe T. Williams*, 44 ECAB 518, 521 (1993).

<sup>12</sup> *Roy L. Humphrey*, 57 ECAB \_\_\_ (Docket No. 05-1928, issued November 23, 2005).

**ORDER**

**IT IS HEREBY ORDERED THAT** the June 30, 2006 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: January 25, 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