

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of GLORIA A. QUINN and DEPARTMENT OF VETERANS AFFAIRS,
MEDICAL CENTER, Fort Harrison, Mont.

*Docket No. 96-858; Submitted on the Record;
Issued February 13, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant has met her burden of proof in establishing that she developed adhesive capsulitis of her right shoulder due to her federal employment.

The Board has duly reviewed the case on appeal and finds that appellant has failed to meet her burden of proof in establishing that she developed adhesive capsulitis of her right shoulder due to her federal employment.

Appellant filed a claim on August 1, 1995 alleging that she developed a right shoulder condition due to factors of her federal employment. The Office of Workers' Compensation Programs requested additional factual and medical information from appellant on August 18 and September 26, 1995. By decision dated November 28, 1995, the Office denied appellant's claim finding that the medical evidence did not establish a causal relationship between her diagnosed condition of adhesive capsulitis and her accepted employment exposures.

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.¹

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

In this case, appellant submitted factual information describing the employment activities to which she attributed her condition as well as medical evidence providing a diagnosis. The medical evidence of record consists of a form report dated August 3, 1995 from Dr. B. Max Iverson, a Board-certified orthopedic surgeon, diagnosing adhesive capsulitis right shoulder. Dr. Iverson listed appellant's history of injury as right shoulder pain and answered the question of whether the condition found was caused by employment activity with a question mark. Dr. Iverson repeated this diagnosis on July 21, 1995. On August 28, 1995 Dr. Iverson indicated that appellant did not have significant rotator cuff problems.

As Dr. Iverson did not provide an opinion on the causal relationship between appellant's diagnosed condition and her accepted employment activities these reports are not sufficient to meet appellant's burden of proof. Appellant asserts that her condition was caused by her employment activities, however, the belief of a claimant that a condition was caused or aggravated by the employment is not sufficient to establish causal relation.²

Appellant submitted a series of reports from a physical therapist. A physical therapist is not a physician for the purposes of the Federal Employees' Compensation Act.³ Therefore, the evidence submitted by the physical therapist is not considered medical evidence and cannot establish the causal relationship between appellant's diagnosed condition and her federal employment.

As appellant failed to submit the necessary medical evidence to establish a causal relationship between her diagnosed condition and her employment she failed to meet her burden of proof and the Office properly denied her claim.

² *Id.*

³ 5 U.S.C. §§ 8101-8193, 8101(2).

The decision of the Office of Workers' Compensation Programs dated November 28, 1995 is hereby affirmed.

Dated, Washington, D.C.
February 13, 1998

Michael J. Walsh
Chairman

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member