

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of WILLIAM L. JOHNSON and U.S. POSTAL SERVICE,
POST OFFICE, Coppel, Tex.

*Docket No. 97-1060; Submitted on the Record;
Issued November 20, 1998*

DECISION and ORDER

Before DAVID S. GERSON, MICHAEL E. GROOM,
BRADLEY T. KNOTT

The issue is whether appellant has established that his left shoulder condition is causally related to factors of his employment.

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. As part of this burden he 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.¹

The Board finds that appellant has not met his burden of proof.

Dr. Ira O. Murchison, an osteopath, diagnosed acute left shoulder dysfunction and acute cervical myofascial strain in October 10, 1995 reports, and accurately noted that appellant's employment duties consisted of walking with a clipboard for eight hours per day. Dr. Murchison did not, however, indicate that appellant's medical condition was causally related to his employment. Dr. Ronnie D. Shade, a Board-certified orthopedic surgeon, diagnosed a mild impingement syndrome of the left shoulder in a November 13, 1995 report, but indicated in an October 30, 1995 report that appellant was "not sure of [the] exact mechanism of injury to left shoulder. Noted left shoulder pain in work hardening and pain management program. Pain worse on return to work September 14, 1995, progressive." In a report dated January 16, 1996, Dr. Shade stated that on October 30, 1995, "It was my strong opinion at that time that the injury that he sustained on the job was causally related to the left shoulder symptomatology." Later in this report, Dr. Shade stated, "Again, it is my strong opinion that the claimant's present pain in

¹ *Froilan Negron Marrero*, 33 ECAB 796 (1982).

the left shoulder is causally related to injury described on September 30, 1995 and also is fully described in my evaluation on October 30, 1995.” The case record contains no claim for a September 30, 1995 employment injury, and Dr. Shade’s October 30, 1995 report does not describe any employment injury or employment factors. In a report dated May 30, 1996, Dr. Shade stated:

“It is my strong opinion that the claimant’s present symptoms are causally related to the job that he performs at the [employing establishment]. His job as a mail handler requires him to dump mail from sacks, cut and tie mail to distributors for processing and place processed mail in sacks. He moves and fills sacks from pouches and racks, removes filled sacks and pouches from racks and closes and locks the pouches in a repetitive manner. He also loads and unloads mail from trucks and from conveying units while working in the strapping unit. He was required to lift up to 70 pounds with continuous reaching from side to side and above the head. He was also required to push containers of mail weighing 200 pounds during the time he was assigned to this sack sorting position. He was required to lift up to 70 pounds or more on a continuous basis, was reaching above his head on the date of injury.”

This report from Dr. Shade, and his reports taken as a whole, are insufficient to meet appellant’s burden of proof because they are based on an inaccurate history of appellant’s employment duties. The record shows that, due to a prior injury to appellant’s low back, he has worked light duty since January 18, 1994, first sleeving letter trays with a restriction against lifting over 20 pounds, and since January 11, 1995 as a quality control worker with no lifting over 15 pounds. Dr. Shade’s October 4, 1996 report also reflects an inaccurate history of lifting up to 70 pounds and prolonged repetitive motion on September 30, 1995. Because these reports are based on an inaccurate history, they are insufficient to meet appellant’s burden of proof.² Dr. John C. Milani, a Board-certified orthopedic surgeon, stated in a November 19, 1996 report that it appeared that appellant’s left shoulder problem related to his 1993 low back injury. That injury, however, is not the subject of the Office’s decisions that are the subject of the present appeal, as these decisions relate exclusively to appellant’s claim for an occupational disease. Appellant has not established that his left shoulder condition is causally related to factors of his employment.

² *Peter Seaman*, 34 ECAB 1735 (1983).

The decisions of the Office of Workers' Compensation Programs dated December 24, August 1 and February 26, 1996 are affirmed.

Dated, Washington, D.C.
November 20, 1998

David S. Gerson
Member

Michael E. Groom
Alternate Member

Bradley T. Knott
Alternate Member