

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JAMES J. REED and DEPARTMENT OF THE NAVY,
PHILADELPHIA NAVAL SHIPYARD, Philadelphia, PA

*Docket No. 98-9; Submitted on the Record;
Issued July 19, 1999*

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
A. PETER KANJORSKI

The issue is whether appellant's left shoulder condition is causally related to factors of his employment.

On March 14, 1995 appellant filed a claim for a torn rotator cuff of the left shoulder, which he attributed to his duties as a machinist at the employing establishment. By letter dated October 19, 1995, the Office of Workers' Compensation Programs notified appellant that it needed further factual information, and "a comprehensive medical report from your treating physician which describes your symptoms; results of examinations and tests; diagnosis; the treatment provided; the effect of treatment; and the doctor's opinion, with medical reasons, on what caused your condition. Specifically, if your doctor feels that factors or incidents in your federal employment contributed to your condition, an explanation of how these contributed should be provided."

By decision dated November 21, 1995, the Office found that the medical evidence failed to establish a causal relation between appellant's left shoulder condition and factors of his employment. Appellant requested reconsideration and the Office, by decision dated June 19, 1997, refused to modify its prior decision.

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 Causal relation is a medical question that can only be resolved by medical opinion evidence.²

The Board finds that appellant has not met his burden of proving that his left shoulder condition is causally related to factors of his employment.

Appellant submitted two medical reports in support of his claim. The report of a February 22, 1995 magnetic resonance imaging of appellant's left shoulder diagnoses certain conditions including a suspected rotator cuff tear, but does not express an opinion whether these conditions are related to factors of appellant's employment. In a report dated August 22, 1995, Dr. John A. Pettineo noted that he saw appellant "on August 20, 1991 complaining of pain in the left shoulder and left arm. He related a history of two weeks prior while working at the Naval Base, experiencing pain in left arm while 'breaking a valve apart' and working a valve face." After describing appellant's findings on examination on August 20, 1991, Dr. Pettineo stated that it was his understanding that appellant's pain had been recurrent since that time. This report is not sufficient to meet appellant's burden of proof, as it does not contain a definite opinion on causal relation between appellant's left shoulder condition and factors of his employment. Appellant has not met his burden of proof.

The decision of the Office of Workers' Compensation Programs dated June 19, 1997 is affirmed.

Dated, Washington, D.C.
July 19, 1999

Michael J. Walsh
Chairman

George E. Rivers
Member

A. Peter Kanjorski
Alternate Member

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

² *Arnold A. Alley*, 44 ECAB 912 (1993).