

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CHESTER TRUSSELL and U.S. POSTAL SERVICE,
POST OFFICE, Portland, Maine

*Docket No. 98-474; Submitted on the Record;
Issued July 6, 1999*

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
MICHAEL E. GROOM

The issue is whether appellant has met his burden of proof in establishing that he developed myofascial pain syndrome due to factors of his federal employment.

The Board has duly reviewed the case on appeal and finds that appellant has not met his burden of proof in establishing that he developed myofascial pain syndrome due to factors of his federal employment.

Appellant filed a claim on December 27, 1996 alleging that he developed myofascial pain syndrome due to his duties as a mail carrier. By decision dated April 17, 1997, the Office of Workers' Compensation Programs denied his claim finding that he had not submitted sufficient medical evidence. Appellant requested reconsideration and the Office denied modification of its April 17, 1997 decision on September 19, 1997.

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. The belief of a claimant that a condition was caused or aggravated by the employment is not sufficient to establish causal relation.¹

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

Appellant described his job duties as requiring standing, sorting mail into a letter case, pulling the mail into trays, loading trays into hampers and then loading the trays into the mail vehicle. He listed his symptoms as numbness in his right shoulder and leg, as well as pain in the right arm, shoulder and leg.

In treatment notes Dr. Michael O. Szela, a Board-certified family practitioner, reported appellant's complaints of tingling on the right side of his body beginning July 25, 1996. Dr. Szela diagnosed questionable chronic fatigue syndrome and questionable ulnar neuropathy. On May 15, 1997 Dr. Szela noted examining appellant for right side dysesthesia and fatigue. He noted that nerve conduction study showed appearance of symptoms with compression of the ulnar nerve. This report is not sufficient to meet appellant's burden of proof as Dr. Szela did not attribute appellant's condition to factors of his federal employment. Without an opinion on the causal relationship between the diagnosed condition and the employment factors, these reports cannot establish that appellant sustained an employment injury.

In a report dated August 13, 1996, Dr. Jutta M. Eichelman, a Board-certified neurologist, noted appellant's arm and leg symptoms. She noted that the magnetic resonance imaging scan of appellant's brain was abnormal, but that the abnormality was not related to his symptoms. Dr. Eichelman diagnosed possible median neuropathy at the wrist and stated that appellant's leg symptoms could be due to compression of the sciatic nerve. On September 20, 1996 Dr. Eichelman stated that appellant's new symptoms were due to compressing the ulnar nerve across the elbow. These reports are not sufficient to meet appellant's burden of proof as Dr. Eichelman did not attribute appellant's condition to his employment duties.

In a report dated December 23, 1996, Dr. Altaf Ahmed, a physiatrist, noted referral from Dr. Eichelman and listed appellant's right leg and right upper extremity pain. He diagnosed myofascial pain syndrome. He indicated with a checkmark "yes" that this condition was due to work activity. In a note of the same date, Dr. Ahmed stated, "He has myofascial pain syndrome related to the type of work that he does having to twist and turn and extend his arm repeatedly delivering mail." On May 9, 1997 Dr. Ahmed stated:

"The very nature of the work that he described to me which involved repeatedly turning, lifting things with his right hand and then depositing into letter boxes can give rise to trigger points developing in the rhomboids and the trapezius muscles in particular as well as in the pectoralis major. He also had to do a lot of walking on uneven terrain delivering mail. This can lead to degenerative changes in the medial meniscus and the x-rays taken of his knee do show narrowing the medial joint. This can place increased forces over the quadriceps muscles and lead to myofascial pain syndrome developing with trigger points."

Dr. Ahmed concluded that appellant's symptoms were due to the type of work he performed.

Although Dr. Ahmed provided an opinion that appellant's condition was causally related to his employment duties and provided a description of the type of duties that appellant was required to perform, he did not provide sufficient medical rationale to establish causal relationship between appellant's diagnosed condition and his employment duties. Dr. Ahmed

stated that appellant's repetitive work could cause "trigger points" and myofascial pain. However, he did not explain the basis for his conclusion of how these trigger points and pain developed. Furthermore, Dr. Ahmed did not address the finding on nerve conduction of ulnar nerve compression. As appellant has failed to submit a rationalized medical report establishing that he developed myofascial pain syndrome due to factors of his federal employment, he has failed to meet his burden of proof.

The decisions of the Office of Workers' Compensation Programs dated September 19 and April 17, 1997 are hereby affirmed.

Dated, Washington, D.C.

July 6, 1999

Michael J. Walsh
Chairman

George E. Rivers
Member

Michael E. Groom
Alternate Member