

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CHARLES STUBBLEFIELD and U.S. POSTAL SERVICE,
POST OFFICE, Kansas City, Mo.

*Docket No. 97-2003; Submitted on the Record;
Issued May 4, 1999*

DECISION and ORDER

Before WILLIE T.C. THOMAS, MICHAEL E. GROOM,
A. PETER KANJORSKI

The issue is whether appellant has 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.

The Board has duly reviewed the case record and finds that 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.

On December 4, 1996 appellant, then a 38-year-old postmaster, filed a claim for a traumatic injury, Form CA-1, alleging that on November 29, 1996 he injured his neck and left shoulder while he was pulling a mail hamper out of the door and felt his neck "pop." On December 20, 1996 the employing establishment controverted the claim.

In a medical report dated November 29, 1996, Dr. Edward J. Skeins, a Board-certified emergency medical specialist and internist, noted that appellant felt acute pain in his neck radiating into his left shoulder and down to the left fourth and fifth fingers while he was pushing a "gondola of mail." He diagnosed acute cervical pain superimposed on a continuous chronic injury. By letter dated January 16, 1997, the Office of Workers' Compensation Programs advised appellant of additional evidence he should submit to establish his claim including a narrative report from his treating physician. Appellant submitted several medical reports from his treating physician, Dr. Diane Cornelison, an osteopath, dated from November 7, 1996 to January 28, 1997. Dr. Cornelison's October 31, 1996 report shows that she was treating appellant for a cervical spine strain with myofascial syndrome for a nonwork-related injury. In her December 3, 1996 report, Dr. Cornelison noted that appellant injured himself at work on November 29, 1996 when he pulled a satchel of mail out of the door. She performed a physical examination and diagnosed cervical spine strain/sprain with myofascial syndrome and cervical bulging disc on the right C5-6 area which might be contributing to the pain. Dr. Cornelison stated that appellant was reinjured on November 29, 1996.

By decision dated February 19, 1997, the Office denied the claim, stating that the medical evidence was not sufficient to establish that appellant's condition was caused by the event.

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.¹

In the present case, none of the medical evidence appellant submitted establishes that his shoulder and neck condition is causally related to factors of his federal employment. In her December 3, 1996 report, Dr. Cornelison diagnosed that appellant had a cervical sprain/strain with myofascial syndrome and a cervical bulging disc on the right C5-6 area which might be contributing to appellant's pain and stated that appellant was reinjured on November 29, 1996. She, however, did not address how the November 29, 1996 incident caused appellant's condition or how it effected his preexisting neck condition. In her subsequent reports, Dr. Cornelison also did not address causation. In his November 29, 1996 report, Dr. Skeins diagnosed appellant's condition as acute cervical pain superimposed on a continuous chronic injury but he did not address causation. The evidence of record contains no medical rationale explaining how appellant's shoulder condition is related to factors of his federal employment. Although the Office provided appellant with the opportunity, appellant did not submit the requisite medical opinion evidence to establish his claim. Appellant has therefore failed to meet his burden of proof.

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

Dated, Washington, D.C.
May 4, 1999

Willie T.C. Thomas
Alternate Member

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member

¹ *Kimper Lee*, 45 ECAB 565, 572 (1994).