

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of VICKY L. CHRISTIAN and U.S. POSTAL SERVICE,
POST OFFICE, Palm Coast, FL

Docket No. 00-2127; Submitted on the Record;
Issued August 13, 2001

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
MICHAEL E. GROOM

The issue is whether appellant has established that she sustained additional injuries causally related to her January 19, 1996 stomach strain.

The Office of Workers' Compensation Programs accepted that appellant sustained a stomach strain in the performance of duty on January 19, 1996 while she was loading a heavy parcel into her vehicle. By decision dated June 1, 1999, the Office determined that appellant had not established a right shoulder condition as causally related to the employment injury. In a decision dated April 11, 2000, the Office denied modification of the prior decision.

The Board finds that appellant has not established a right shoulder condition or other additional injury as causally related to the January 19, 1996 employment injury.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of his or her claim, including that any disability or specific condition for which compensation is claimed is causally related to the employment injury.²

With respect to a specific diagnosed right shoulder injury, the Board finds that the medical evidence is not sufficient to meet appellant's burden of proof. The record contains a form report dated May 19, 1996 that diagnoses shoulder sprain and checks a box "yes" that the condition is employment related, but this is of limited probative value without additional explanation.³ In a report dated January 18, 2000, Dr. Alyn Benezette, an osteopath, opined that

¹ 5 U.S.C. §§ 8101-8193.

² *Kathryn Haggerty*, 45 ECAB 383 (1994); *Elaine Pendleton*, 40 ECAB 1143 (1989).

³ The checking of a box "yes" in a form report, without additional explanation or rationale, is not sufficient to establish causal relationship. *See Barbara J. Williams*, 40 ECAB 649, 656 (1989). The physician's signature on the form is illegible.

appellant's "right shoulder injuries are causally related to an on-the-job accident on January 19, 1996." Dr. Benezette indicated that appellant had to bend over and lift a heavy box, and to do so she would use the muscles of the shoulder girdle and could easily injure her right shoulder. There is, however, no specific diagnosis of a right shoulder injury. Moreover, Dr. Benezette does not provide a complete history and factual background. The employment incident occurred four years prior to the January 18, 2000 report, and Dr. Benezette does not discuss appellant's medical history since the incident.⁴ The record does not contain a reasoned medical opinion, based on a complete and accurate background, establishing a diagnosed right shoulder condition as causally related to the employment injury.

The Board notes that the record also contains medical evidence regarding the thoracic spine. In a report dated November 6, 1997, Dr. Brian P. Delahoussaye, a specialist in rehabilitation medicine, opined that appellant sustained sprains of the thoracic spine and rectus abdomini muscles. The Office has accepted a stomach strain; with respect to the thoracic spine, Dr. Delahoussaye indicated that his opinion was based on his examination and review of medical records, but it is not clear what specific medical records he reviewed. He indicated that in July 1997 appellant was having the same symptoms as described in her medical records, without further explanation. In a report dated March 4, 1996, Dr. Marc Harr, an orthopedic surgeon, noted full range of motion in the thoracic spine. Dr. Harr reported that x-rays of the thoracic spine revealed a compression deformity that appeared to be chronic in nature. The Board finds that the record does not contain a reasoned opinion establishing a thoracic spine sprain, nor a thoracic compression deformity as causally related to the employment injury.

In his November 6, 1997 report, Dr. Delahoussaye further included a diagnosis of residual myofascial pain in the areas of the thoracic spine and rectus abdomini, stating that without complete reconditioning of these muscles myofascial pain problems will continue until normal length and strength of the muscles is reestablished. He does not clearly explain the nature of a myofascial pain syndrome and its causal relationship with the employment injury. In the absence of a reasoned medical opinion, the Board finds that appellant has not established a myofascial pain syndrome or other additional injuries in this case.

⁴ The record indicates, for example, that appellant reported a nonemployment-related slip and fall on July 21, 1998 with resulting right shoulder complaints.

The decisions of the Office of Workers' Compensation Programs dated April 11, 2000 and June 1, 1999 are affirmed.

Dated, Washington, DC
August 13, 2001

Michael J. Walsh
Chairman

Willie T.C. Thomas
Member

Michael E. Groom
Alternate Member