

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of JOSE A. MARTINEZ and DEPARTMENT OF THE TREASURY,  
BUREAU OF PRINTING & ENGRAVING, Fort Worth, TX

*Docket No. 01-750; Submitted on the Record;  
Issued December 4, 2001*

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DECISION and ORDER

Before MICHAEL J. WALSH, BRADLEY T. KNOTT,  
A. PETER KANJORSKI

The issue is whether appellant met his burden of proof to establish that his right shoulder condition is causally related to the December 22, 1998 employment injury.

The Board has duly reviewed the case record in the present appeal and finds that appellant has not met his burden of proof.

On December 22, 1998 appellant, then a 50-year-old platemaker, sustained an employment-related injury to his right arm that was accepted as a short-term closure case. He did not stop work. On October 5, 2000 he filed a recurrence claim, stating that he had not seen a doctor following the December 1998 injury but that the pain had not gone away and that he always felt discomfort in both shoulders. He did not stop work or sustain any wage loss due to the claimed condition. By letter dated October 25, 2000, the Office of Workers' Compensation Programs informed appellant of the type of evidence needed to support his claim. This was to include a physician's opinion with supporting explanation regarding the causal relationship between his current condition and the December 22, 1998 employment injury. In response, appellant submitted medical evidence. By decision dated December 13, 2000, the Office denied the claim on the grounds that the medical evidence failed to establish that appellant's current condition was causally related to the employment injury. The instant appeal follows.

An individual who claims a recurrence of disability due to an accepted employment-related injury has the burden of establishing by the weight of the substantial, reliable and probative evidence that the recurrence of the disabling condition for which compensation is sought is causally related to the accepted employment injury.<sup>1</sup> This burden includes the necessity of furnishing evidence from a qualified physician who, on the basis of a complete and accurate factual and medical history, concludes that the condition is causally related to the

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<sup>1</sup> *Ronald C. Hand*, 49 ECAB 113 (1997).

employment injury and supports that conclusion with sound medical reasoning.<sup>2</sup> Causal relationship is a medical issue and the medical evidence required to establish a causal relationship is rationalized medical evidence. Rationalized medical evidence is medical evidence which includes a physician's rationalized medical opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant, must be one of reasonable medical certainty and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.<sup>3</sup>

In this case, the medical evidence submitted by appellant includes<sup>4</sup> a treatment note from the employing establishment clinic dated September 29, 1999 which describes a finding of possible rotator cuff tear on the right. Other clinic notes dated October 4, 12, 17, 18 and 19, 2000 give a history of a fall at work and note findings on examination with diagnoses of bilateral shoulder strain/sprain, right greater than left and partial rotator cuff tear. A duty status report dated October 19, 2000 notes findings of bilateral shoulder pain and provides restrictions to appellant's physical activity. The "diagnosis due to injury" is listed as bilateral chronic shoulder strain/sprain and chronic cervical strain.

Thus, the only report that provided an opinion regarding the cause of appellant's condition was the October 19, 2000 duty status report. This form report, however, does not constitute rationalized medical evidence as it fails to provide an explanation of how appellant's condition in October 2000 is related to the December 22, 1998 employment injury. It is, therefore, insufficient to establish causal relationship.<sup>5</sup> The Board therefore finds that, as appellant failed to submit any medical evidence to indicate that his current condition is causally related to the December 22, 1998 employment injury, he has failed to establish the requisite causal relationship<sup>6</sup> and the Office properly denied his claim.<sup>7</sup>

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<sup>2</sup> *Helen K. Holt*, 50 ECAB 279 (1999).

<sup>3</sup> *Gary L. Fowler*, 45 ECAB 365 (1994); *Victor J. Woodhams*, 41 ECAB 345 (1989).

<sup>4</sup> Some of the medical evidence submitted is illegible and other reports are of poor copy quality. The signatures of the physicians are, on the whole, illegible.

<sup>5</sup> *See generally Robert P. Bourgeois*, 45 ECAB 745 (1994).

<sup>6</sup> *Supra* note 3.

<sup>7</sup> The Board notes that appellant submitted additional evidence subsequent to the Office's December 13, 2000 decision and with his appeal to the Board. The Board cannot consider this evidence, however, as its review of the case is limited to the evidence of record which was before the Office at the time of its final decision. 20 C.F.R. § 501.2(c).

The decision of the Office of Workers' Compensation Programs dated December 13, 2000 is hereby affirmed.

Dated, Washington, DC  
December 4, 2001

Michael J. Walsh  
Chairman

Bradley T. Knott  
Alternate Member

A. Peter Kanjorski  
Alternate Member