

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of BILLY G. KNIGHT and U.S. POSTAL SERVICE,
NEW SALEM POST OFFICE, Baylis, IL

*Docket No. 00-997; Submitted on the Record;
Issued February 1, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, A. PETER KANJORSKI,
VALERIE D. EVANS-HARRELL

The issue is whether appellant met his burden of proof to establish that he sustained an employment-related injury.

On September 27, 1999 appellant, then a 62-year-old rural carrier, filed a traumatic injury claim alleging that as he was loading a vehicle at the employing establishment, he felt a sharp pain in his right shoulder as he was pushing a mail bundle back together. He did not stop work.

In support of his claim, appellant submitted a report dated September 24, 1999 in which Dr. E. Gotten, an osteopathic physician, advised that appellant could perform light duty but should keep his arm in a sling. In a disability slip dated September 27, 1999, Dr. Ronald L. Johnson, a Board-certified family practitioner, advised that appellant should work light duty for one week. In a duty status report dated October 4, 1999, Dr. Johnson provided a history of the employment incident, described clinical findings as "pain on external rotation" and advised that appellant should restrict his lifting to 40 pounds for 1 week.

By letter dated November 16, 1999, the Office of Workers' Compensation Programs requested further information from appellant, including an opinion from his physician with a medical explanation as to how the reported work incident caused or aggravated the claimed injury. In response, appellant submitted a form report dated September 27, 1999 from Dr. Johnson with the diagnosis "shoulder strain."

By decision dated December 17, 1999, the Office denied appellant's claim on the grounds that he did not establish the fact of injury. The Office found that, while the incident of September 24, 1999 was established, appellant did not submit medical evidence to support that his injury was caused or triggered by this incident. The Office also found that appellant's doctor did not provide a specific diagnosis in connection with his work-related injury.

The Board finds that appellant did not meet his burden of proof to establish that he sustained an injury on September 24, 1999 as alleged.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of his or her claim² including the fact that the individual is an "employee of the United States" within the meaning of the Act,³ that the claim was timely filed within the applicable time limitation period of the Act,⁴ that an injury was sustained in the performance of duty as alleged and that any disability and/or specific condition for which compensation is claimed are causally related to the employment injury.⁵ These are essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁶

Causal relationship is a medical issue⁷ and the medical evidence required to establish a causal relationship is rationalized medical evidence. Rationalized medical evidence is medical evidence that includes a physician's rationalized 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.⁸ Moreover, the mere fact that a disease or condition manifests itself during a period of employment nor the belief that the disease or condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.⁹

In this case, while the September 24, 1999 incident occurred, appellant has not established that the incident resulted in an injury. The evidence submitted by appellant does not include an explanation from his physician, Dr. Johnson, as to how the work incident caused the claimed injury. Dr. Johnson did not provide a specific diagnosis or offer any opinion on the causal relationship if any between the diagnosed condition and the employment incident of

¹ 5 U.S.C. §§ 8101-8193.

² See *Daniel R. Hickman*, 34 ECAB 1220 (1983); see also 20 C.F.R. § 10.115.

³ See *James A. Lynch*, 32 ECAB 2116 (1980); see also 5 U.S.C. § 8101(1).

⁴ 5 U.S.C. § 8122.

⁵ *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

⁶ *Delores C. Ellyett*, 41 ECAB 922 (1990); *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁷ *Mary J. Briggs*, 37 ECAB 578 (1986).

⁸ *Joe L. Wilkerson*, 47 ECAB 604 (1996).

⁹ *Minnie L. Bryson*, 44 ECAB 713 (1995); *Froilan Negron Marrero*, 33 ECAB 796 (1982).

September 24, 1999. Consequently, appellant failed to meet his burden of proof to establish that he sustained an employment-related injury.¹⁰

The decision of the Office of Workers' Compensation Programs dated December 17, 1999 is hereby affirmed.

Dated, Washington, DC
February 1, 2001

Michael J. Walsh
Chairman

A. Peter Kanjorski
Alternate Member

Valerie D. Evans-Harrell
Alternate Member

¹⁰ The Board notes that appellant submitted additional evidence to the Office subsequent to the December 17, 1999 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).