

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ARTHUR FORD and U.S. POSTAL SERVICE,
POST OFFICE, Manchester, NH

*Docket No. 99-2476; Submitted on the Record;
Issued February 20, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, MICHAEL E. GROOM,
PRISCILLA ANNE SCHWAB

The issue is whether appellant 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 failed to meet his burden of proof in establishing that his shoulder pain was causally related to factors of his federal employment.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of his claim, including the fact that the individual is an "employee of the United States" within the meaning of the Act, that the claim was filed within the applicable time limitations of the Act, 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 is causally related to the employment injury.² These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or occupational disease.

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 claimant.

¹ 5 U.S.C. § 8101 *et seq.*

² *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143, 1154 (1989).

The medical evidence required to establish causal relationship, generally, is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence which 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.³

Appellant, a 56-year-old letter carrier, filed an occupational disease claim on January 7, 1999, alleging that while casing mail he felt pain in both shoulders. He did not stop work.

The Office denied appellant's claim on March 1, 1999 finding that the medical evidence of record failed to establish a causal relationship between the identified factors of employment and a diagnosed medical condition. By letter dated March 25, 1999, appellant requested reconsideration. By decision dated June 25, 1999, the Office denied modification.

The medical evidence in support of appellant's claim consists of an undated duty status report by Dr. Louis F. Candito, a Board-certified orthopedic surgeon; Dr. Candito's office notes dated January 14, February 4 and 15, 1999; January 14 and February 4, 1999 medical forms completed by Dr. Candito; a February 11, 1999 attending physician's report by Dr. Candito; a March 12, 1999 report by Dr. Candito; and a February 11, 1999 radiology report interpreted by Dr. Robert A.H. Stich, a Board-certified radiologist.

On the undated duty status report, Dr. Candito diagnosed bilateral shoulder pain and checked "yes" that the history of the injury given to him by appellant agrees with the history given in item five on the form.⁴ Dr. Candito failed to diagnose a condition, as pain is only provided a specific diagnosis of appellant's shoulder condition. He also failed to discuss the causal relationship between appellant's shoulder condition and the factors of employment to which appellant attributed his condition. Therefore, the attending physician's report is insufficient to establish appellant's occupational disease claim.

In an office note dated January 14, 1999, Dr. Candito stated that "[Appellant] has been having chronic recurrent episodes of bilateral shoulder pain for the past one to two years. [Appellant] thinks the pain is aggravated greatly by having to keep his arms elevated stacking mail all day." Dr. Candito diagnosed chronic impingement syndrome both shoulders secondary to degenerative arthritis acromioclavicular (AC) joints. The office note did not include Dr. Candito's opinion on a causal relationship between the diagnosed condition and the factors of employment to which appellant attributed his condition. In the office notes dated February 4 and 15, 1999, Dr. Candito provided the same diagnosis, but failed to discuss a causal relationship

³ *Id.*

⁴ The Board has held that, when a physician's opinion on causal relationship consists only of checking "yes" to a form question, that opinion has little probative value and is insufficient to establish causal relationship. Appellant's burden includes the necessity of furnishing an affirmative opinion from a physician who supports his conclusion with sound medical reasoning. *Ruth S. Johnson*, 46 ECAB 237 (1994).

between the diagnosed condition and the factors of employment identified by appellant. The office notes dated January 14 and February 4 and 15, 1999 are insufficient to establish appellant's claim.

On January 14 and February 4, 1999 medical forms, Dr. Candito failed to provide a history of injury or to address a causal relationship between a diagnosed condition and the factors of employment identified by appellant. The medical forms are insufficient to establish appellant's claim.

On a February 11, 1999 attending physician's report, Dr. Candito diagnosed chronic impingement syndrome both shoulders secondary to degenerative arthritis AC joint. Dr. Candito failed to address a causal relationship between the diagnosed condition and the factors of employment identified by appellant. The attending physician's report is insufficient to establish appellant's claim.

In a March 12, 1999 report, Dr. Candito stated the he has treated appellant since January 14, 1999 for chronic problems related to both shoulders. He added: "[Appellant] has found that doing repetitive motions with his arms or working with his arms over his head, aggravates the pain in both shoulders, right more so than the left." Dr. Candito diagnosed chronic impingement syndrome both shoulders secondary to degenerative arthritis of the AC joints. He stated: "It is not possible to determine with certainty, the exact causality of his condition, but it appears that degenerative arthritis of the AC joints has contributed to his development of the chronic impingement syndrome." Dr. Candito failed to provide an opinion causally relating appellant's diagnosed condition to the factors of employment to which appellant attributed his condition. He stated that he could not say with certainty what the exact cause is. Therefore, the March 12, 1999 report is insufficient to establish appellant's claim.

In a February 11, 1999 radiology report, Dr. Robert A.H. Stich, a Board-certified radiologist interpreted an arthrogram of the right shoulder to reveal degenerative changes at the inferior aspect of the glenohumeral joint. No evidence for labral disruption or occult rotator cuff tear. Dr. Stich did not provide a history of injury, or causally relate a diagnosed condition to the factors of employment identified by appellant. The February 11, 1999 radiology report is insufficient to establish appellant's claim. The Board finds that the evidence of record is insufficient to meet appellant's burden of proof.

The decisions of the Office of Workers' Compensation Programs dated June 25 and March 1, 1999 are affirmed.⁵

Dated, Washington, DC
February 20, 2001

Michael J. Walsh
Chairman

Michael E. Groom
Alternate Member

Priscilla Anne Schwab
Alternate Member

⁵ The Board notes that appellant submitted evidence with his appeal. As this evidence was not previously submitted to the Office for consideration prior to its decision of June 25, 1999, the evidence represents new evidence, which cannot be considered by the Board. The Board's jurisdiction is limited to reviewing the evidence that was before the Office at the time of its final decision. 20 C.F.R. § 501.2(c). Appellant may submit this evidence to the Office, together with a formal request for reconsideration pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. § 10.606(b).