

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CHERYL E. VANCE and U.S. POSTAL SERVICE,
POST OFFICE, Dallas, TX

*Docket No. 01-79; Submitted on the Record;
Issued July 12, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
MICHAEL E. GROOM

The issue is whether appellant sustained an injury in the performance of duty on November 18, 1999.

Appellant, a 39-year-old flat sorting machine operator, filed a claim for compensation alleging that she sustained an injury to her left shoulder while in the performance of duty on November 18, 1999. Appellant explained that when placing mail in the bend she felt a pull and then pain in her left arm. On November 22, 1999 appellant received a diagnosis of left shoulder/arm pain and muscle strain, and she was restricted to light duty.

After further development of the record, the Office of Workers' Compensation Programs issued a February 14, 2000 decision denying benefits on the basis that the evidence of record failed to establish that an injury was sustained as alleged.

Appellant requested reconsideration on March 9, 2000 and the Office denied modification in a decision dated April 7, 2000. Appellant filed a second request for reconsideration on May 17, 2000, accompanied by additional medical evidence. The Office again denied modification by decision dated June 5, 2000.

The Board finds that appellant failed to establish that she sustained an injury in the performance of duty on November 18, 1999.

When an employee claims that she sustained an injury in the performance of duty she must submit sufficient evidence to establish that she experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. She must also establish that such event, incident or exposure caused an injury.¹ Once an employee establishes that she sustained an injury in the performance of duty, she has the burden of proof to establish that any

¹ See generally *John J. Carlone*, 41 ECAB 354 (1989); see also 5 U.S.C. § 8101(5) ("injury" defined); 20 C.F.R. § 10.5(q) and (ee) ("occupational disease or illness" and "traumatic injury" defined).

subsequent medical condition or disability for work for which she claims compensation is causally related to the accepted injury.²

An award of compensation may not be based on surmise, conjecture or speculation. Neither the fact that appellant's condition became apparent during a period of employment nor the belief that the condition was caused, precipitated or aggravated by her employment is sufficient to establish a causal relationship.³ Causal relationship is a medical question that can generally be resolved only by rationalized medical opinion evidence.⁴ A physician's opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors must be based on a complete factual and medical background of the claimant.⁵ Additionally, in order to be considered rationalized, the opinion must be expressed in terms of a reasonable degree of medical certainty, and must be supported by medical rationale, explaining the nature of the relationship between the diagnosed condition and the claimant's specific employment factors.⁶

In the instant case, the record does not include a rationalized medical opinion attributing appellant's claimed left shoulder condition to her employment. While Dr. Godfrey S. Chithambo, a physician, initially diagnosed left shoulder/arm pain and muscle strain on November 22, 1999, he did not report a history of injury or otherwise address the cause of appellant's condition. Dr. Stephen Rodrigues, a physician, prepared the only narrative report of record. In his brief report dated May 12, 2000, Dr. Rodrigues noted that appellant had been seen on multiple occasions for complaints of pain in her upper arm, back, neck and shoulder area. He diagnosed shoulder strain. However, he did not specifically attribute this condition to appellant's employment or to the alleged incident of November 18, 1990. Dr. Rodrigues merely reported that appellant "stated" she worked for the postal service and was "sorting mail when the injury occurred." He did not otherwise offer an explanation as to the cause of appellant's shoulder strain. As the record is devoid of any rationalized medical opinion evidence specifically attributing appellant's left shoulder condition to the November 18, 1999 employment incident, appellant has failed to establish that she sustained an injury in the performance of duty.

² *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

³ *Robert G. Morris*, 48 ECAB 238, 239 (1996).

⁴ *Id.*

⁵ *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

⁶ *Id.*

The June 5, 2000 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
July 12, 2001

Michael J. Walsh
Chairman

David S. Gerson
Member

Michael E. Groom
Alternate Member