

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of WILLIAM F. MEYER and U.S. POSTAL SERVICE,
POST OFFICE, Colorado Springs, CO

*Docket No. 01-1511; Submitted on the Record;
Issued April 8, 2002*

DECISION and ORDER

Before ALEC J. KOROMILAS, COLLEEN DUFFY KIKO,
DAVID S. GERSON

The issue is whether appellant has established that his right shoulder condition is causally related to his federal employment.

On December 7, 2000 appellant, then a 58-year-old letter carrier, filed an occupational disease or illness claim (Form CA-2), alleging that he had worked with pain in his shoulders and he had hurt his right shoulder real bad when the door stuck as he was closing it during the performance of his duties.¹ He mentioned that he previously had both his right and left rotator cuffs operated on. Appellant also mentioned that he had a sore right knee which was due to unloading mail, but the knee had been injected and was now fine.

In a letter dated February 6, 2001, the Office of Workers' Compensation Programs requested additional information from appellant. In a response, appellant submitted a statement dated February 8, 2001. Also submitted was an October 26, 2000 note from Dr. Max A. Nevarez, Jr., a Board-certified family practitioner. In the note, Dr. Nevarez advised that appellant had been treated for pain to his right shoulder. He related that appellant hurt his right shoulder at work and exacerbated a preexisting workers' compensation shoulder injury.

By decision dated March 22, 2001, the Office denied the claim on the grounds that the medical evidence was insufficient to establish the claim.

The Board finds that appellant has not met his burden of proof to establish his claim in this case.

¹ Appellant refers to the pain in his right shoulder upon dealing with a stuck door as a traumatic injury. The term "traumatic injury" refers to an injury *caused* by an incident or incidents within a single workday or shift. 20 C.F.R. § 10.5(ee). Since appellant identifies work incidents occurring over more than one workday as contributing to his condition, an occupational disease or illness claim was appropriate.

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 the claimant.² The evidence required to establish causal relationship is rationalized medical opinion evidence, based upon a complete and accurate factual and medical background, showing a causal relationship between the claimed conditions and his federal employment.³ Neither the fact that the condition became manifest during a period of federal employment, nor the belief of appellant that the condition was caused or aggravated by his federal employment, is sufficient to establish causal relation.⁴

In this case, appellant has not submitted probative medical evidence on causal relationship. The record contains an October 26, 2000 note from Dr. Nevarez. Although the note advises that appellant hurt his right shoulder at work and exacerbated a preexisting injury, Dr. Nevarez failed to provide further detail or discussion of how closing a stuck door could have caused appellant's pain or exacerbated a preexisting injury, supported by objective evidence. Moreover, he noted that appellant was treated for pain, but failed to provide a diagnosis.

Appellant did not submit a medical report with a complete factual and medical background, demonstrating familiarity with the job duties identified by him and providing a reasoned opinion on causal relationship between appellant's right shoulder pain and his federal employment. The Board accordingly finds that appellant has not met his burden of proof in this case.

² *Victor J. Woodhams*, 41 ECAB 345 (1989).

³ *See Walter D. Morehead*, 31 ECAB 188 (1979).

⁴ *Manuel Garcia*, 37 ECAB 767 (1986).

The decision of the Office of Workers' Compensation Programs dated March 22, 2001 is affirmed.

Dated, Washington, DC
April 8, 2002

Alec J. Koromilas
Member

Colleen Duffy Kiko
Member

David S. Gerson
Alternate Member