

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MOZELLA M. MABON and U.S. POSTAL SERVICE,
POST OFFICE, Kansas City, MO

*Docket No. 02-71; Submitted on the Record;
Issued June 6, 2002*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant has met her burden of proof in establishing that she was entitled to compensation for wage loss on February 24, 1998 causally related to her federal employment.

On June 2, 1994 appellant, a 37-year-old distribution clerk, injured her back while throwing and lifting mail. She filed a claim for benefits, which the Office of Workers' Compensation Programs accepted for back sprain on September 7, 1994. Appellant missed work intermittently and the Office paid compensation for appropriate periods.

Appellant submitted a June 29, 2000 Form CA-7 requesting wage loss for 2.42 hours on February 24, 1998. Appellant submitted a February 24, 1998 report from Dr. Arnold L. Katz, Board-certified in internal medicine, who stated that appellant was anxious to have both shoulders injected with anti-inflammatory medicine. He indicated that he acceded to appellant's request and injected both shoulders with xylocaine.

By decision dated September 29, 2000, the Office denied appellant's claim for compensation based on wage loss, finding that she failed to establish that medical treatment she received on February 24, 1998 was causally related to her accepted employment injury.

The Board finds that appellant has not met her burden of proof in establishing that she was entitled to compensation for wage loss on February 24, 1998 causally related to her federal employment.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing that the essential elements of his or her claim including the fact that the individual is an "employee of the United States" within the meaning of the Act, that the claim

¹ 5 U.S.C. §§ 8101-8193.

was timely filed within the applicable time limitation period 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 are 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 an occupational disease.³

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. The medical evidence required to establish causal relationship is usually rationalized medical 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.⁴

In this case, appellant has the burden of establishing by the weight of the substantial, reliable and probative evidence, a causal relationship between her claimed disability as of February 24, 1998 and the accepted employment-related condition. This burden includes providing medical evidence from a physician who concludes that the disabling condition is causally related to employment factors and supports that conclusion with sound medical reasoning.⁵

In support of her claim, appellant submitted Dr. Katz's February 24, 1998 report, which indicated that appellant underwent treatment for pain in both shoulders. This treatment, however, was not provided for a condition causally related to her accepted back condition. The Office never accepted a bilateral shoulder condition as compensable. Thus, appellant failed to provide a probative, rationalized medical opinion establishing that she was entitled to compensation for wage loss on February 24, 1998.⁶ Dr. Katz did not describe appellant's job duties or explain the medical process through which such duties would have been competent to cause the claimed shoulder condition.

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

³ *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁴ *Id.*

⁵ *See Nicolea Bruso*, 33 ECAB 1138, 1140 (1982).

⁶ *William C. Thomas*, 45 ECAB 591 (1994).

Dr. Katz's opinion is of limited probative value as it does not contain any medical rationale explaining how or why appellant's bilateral shoulder condition is currently affected by or related to factors of employment.⁷ Causal relationship must be established by rationalized medical opinion evidence. Appellant has failed to submit such evidence which would indicate that her work-related back condition caused any wage loss on February 24, 1998.

Consequently, appellant has not met her burden of proof, as she failed to establish that she sustained any employment-related disability on February 24, 1998.

The decision of the Office of Workers' Compensation Programs dated September 29, 2000 is hereby affirmed.

Dated, Washington, DC
June 6, 2002

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member

⁷ *Id.*