

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of BRENDA SEVERANCE and U.S. POSTAL SERVICE,  
POST OFFICE, Cincinnati, OH

*Docket No. 02-1222; Submitted on the Record;  
Issued November 6, 2002*

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DECISION and ORDER

Before ALEC J. KOROMILAS, DAVID S. GERSON,  
A. PETER KANJORSKI

The issue is whether appellant established that she sustained a neck and shoulder injury causally related to factors of her federal employment.

On March 20, 2001 appellant, then a 51-year-old distribution clerk, filed a notice of occupational disease alleging that her federal employment duties caused her neck and shoulder injuries. Appellant stated that she cased and lifted mail with her left arm over her head for four hours a day, five days a week. She submitted a magnetic resonance imaging (MRI) of the cervical spine dated February 1, 2001, which indicated:

“[Appellant] has a congenitally shallow central canal with superimposed spondylolytic changes resulting in mild to moderate central stenosis diffusely. The most pronounced areas of disease are at C3-4 just to the right of [illegible] and also C5-6 just to the left of [illegible] where there is mild cord compression. Disc material touches but does not compress the cord at C2-3, C4-5.”

By decision dated May 31, 2001, the Office of Workers' Compensation Programs denied appellant's claim, as she did not establish fact of injury.<sup>1</sup>

The Board finds that appellant has not met her burden of proof to establish that her shoulder and neck injuries are causally related to factors of her federal employment.

An employee seeking benefits under the Federal Employees' Compensation Act<sup>2</sup> has the burden of establishing the essential elements of his or her claim, including the fact that the

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<sup>1</sup> Appellant submitted medical evidence after the May 31, 2001 decision. The Board may not consider this evidence since the review of a case is limited to the evidence in the case record, which was before the Office at the time of its final decision. 20 C.F.R. § 501.2(c).

<sup>2</sup> 5 U.S.C. §§ 8101-8193.

individual is an “employee of the United States” within the meaning of the Act, that the claim 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.<sup>3</sup> These are the essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.<sup>4</sup>

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 evidence required to establish causal relationship is rationalized medical opinion evidence, based upon a complete factual and medical background, showing a causal relationship between the claimed condition and identified factors. The belief of a claimant that a condition was caused or aggravated by the employment is not sufficient to establish causal relation.<sup>5</sup>

In this case, the only medical evidence of record is the MRI of the cervical spine dated February 1, 2001. The MRI indicates that appellant has radiculopathy in her neck at levels C3-4 and C5-6; however, the report does not contain a medical opinion regarding the cause of appellant’s condition. It is appellant’s burden to provide rationalized medical opinion evidence, which includes a physician’s rationalized opinion on the issue of whether there is a causal relationship between the diagnosed condition and the implicated employment factors. The opinion of the physician must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the employment factors.<sup>6</sup> The Board notes that the mere fact that a condition manifests itself or worsens during a period of employment does not raise an inference of an employment relationship.<sup>7</sup> Neither the fact that the condition became apparent during a period of employment, nor the belief of appellant that the condition was caused or aggravated by employment factors, is sufficient to establish causal relation.<sup>8</sup> Causal relationship is a medical issue that can be established only by medical evidence.<sup>9</sup> As appellant did not submit a physician’s rationalized medical opinion establishing a causal relationship

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<sup>3</sup> *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

<sup>4</sup> *Delores C. Ellyett*, 41 ECAB 992, 994 (1990); *Ruthie M. Evans*, 41 ECAB 416, 423-25 (1990).

<sup>5</sup> *Haydee Martinez*, (Docket No. 01-833, Issued October 29, 2001).

<sup>6</sup> *John J. Carlone*, 41 ECAB 354 (1989).

<sup>7</sup> *Paul D. Weiss*, 36 ECAB 720 (1985); *Hugh C. Dalton*, 36 ECAB 462 (1985).

<sup>8</sup> *Froilan Negron Marrero*, 33 ECAB 796 (1982).

<sup>9</sup> *Mary J. Briggs*, 37 ECAB 578 (1986).

between her neck and shoulder condition and her employment duties, she has not met her burden of proof in establishing her claim.

The May 31, 2001 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC  
November 6, 2002

Alec J. Koromilas  
Member

David S. Gerson  
Alternate Member

A. Peter Kanjorski  
Alternate Member