

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of JOHN H. BYNUM and DEPARTMENT OF THE NAVY,  
NAVAL AIR STATION, Pensacola, FL

*Docket No. 02-1777; Submitted on the Record;  
Issued February 14, 2003*

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DECISION and ORDER

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

The issue is whether appellant sustained an injury on April 17, 2000 as alleged.

On June 29, 2000 appellant then a 55-year-old laborer filed a traumatic injury claim alleging that on April 17, 2000 he pulled a rope on a machine to crank, when the rope pulled out without catching the crank and he injured his right shoulder. Appellant did not stop work.

In a letter dated November 14, 2000, the Office of Workers' Compensation Programs requested additional information from appellant in order to make a determination on the claim. He responded and submitted treatment and diagnostic reports to support the claim.

By decision dated January 16, 2001, the Office denied the claim on the grounds that the medical evidence was insufficient to establish a causal relationship between the claimed event and a diagnosed medical condition.

In a letter dated January 22, 2001, appellant requested an oral hearing, which was held on March 11, 2002.

By decision dated April 29, 2002, an Office hearing representative found that appellant failed to submit the requisite rationalized medical evidence in support of appellant's contention that the employment incident described on April 17, 2000 caused or aggravated his condition. The Office hearing representative therefore, affirmed the prior decision.

The Board finds that appellant failed to establish that he sustained a right shoulder condition causally related to his employment injury of April 17, 2000.

An employee seeking benefits under the Federal Employees' Compensation Act<sup>1</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> 5 U.S.C. §§ 8101-8193; *see* 20 C.F.R. §§ 10.115, 10.116 (1999).

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 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>2</sup> These are essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.<sup>3</sup>

The medical evidence required to establish causation, 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.<sup>4</sup>

The medical evidence of record includes diagnostic reports and also narrative reports from Drs. Thomas Little and James Green, Board-certified orthopedic surgeons, dated from March 10 to October 23, 2000.

In a report dated June 26, 2000, Dr. Green indicated that appellant had right shoulder pain for several months and that he continued to have significant pain with overhead activities and lifting. He noted that a magnetic resonance imaging scan revealed some findings consistent with subacromial space narrowing and impingement and bursitis.

In a report dated March 17, 2000, Dr. Little indicated that appellant had about a month history of some pain and decreased range of motion in his right shoulder. He diagnosed bicipital tendinitis of the right shoulder; however, he reported that appellant had no history of injury.

The above physicians did not provide a history of the injury on April 17, 2000 or medical rationale explaining how the implicated work factors caused the diagnosed bicipital tendinitis of the right shoulder. In fact, Dr. Little clearly indicated, in his report, that there was no history of injury given.

Because appellant has failed to submit rationalized medical evidence establishing that his shoulder condition was causally related to the claimed April 17, 2000 employment injury, the Board finds that appellant has not satisfied his burden of proof.

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

<sup>3</sup> *Delores C. Ellyett*, 41 ECAB 992 (1990); *Victor J. Woodhams*, 41 ECAB 345 (1989).

<sup>4</sup> *Id.*

The April 29, 2002 decision of the Office of Workers' Compensation Programs' hearing representative is hereby affirmed.

Dated, Washington, DC  
February 14, 2003

David S. Gerson  
Alternate Member

Willie T.C. Thomas  
Alternate Member

A. Peter Kanjorski  
Alternate Member