

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CAROLE J. BELL and U.S. POSTAL SERVICE,
POST OFFICE, Oakland, CA

*Docket No. 03-13; Submitted on the Record;
Issued March 5, 2003*

DECISION and ORDER

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

The issue is whether appellant has established that she sustained a left shoulder injury in the performance of duty on June 30, 2001.

Appellant, a 49-year-old letter carrier, filed a claim for a traumatic injury on April 16, 2002, alleging that she sustained a left shoulder injury in the performance of duty on June 30, 2001.

By letter dated April 24, 2002, the Office of Workers' Compensation Programs advised appellant that it required additional factual and medical evidence to determine whether she was eligible for compensation benefits. The Office asked appellant to submit a comprehensive medical report from her treating physician describing her symptoms and the medical reasons for her condition, and an opinion as to whether her claimed condition was causally related to her federal employment. The Office requested that appellant submit the additional evidence within 30 days. Appellant submitted monthly treatment notes from Kaiser Permanente dated August through November 2001 which noted generalized complaints of pain in her left shoulder, but did not submit a probative, rationalized medical report from a physician which indicated that she sustained a causally related shoulder injury on June 30, 2001.

By decision dated June 3, 2002, the Office denied appellant's claim, finding that she failed to establish fact of injury.

The Board finds that appellant has failed to establish that she sustained a left shoulder injury in the performance of duty on June 30, 2001.

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

¹ 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.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 determine whether a federal employee has sustained a traumatic injury in the performance of duty, it must first be determined whether a “fact of injury” has been established. First, the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time, place and in the manner alleged.⁴ Second, the employee must submit sufficient evidence, generally only in the form of medical evidence, to establish that the employment incident caused a personal injury.⁵ 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.⁶

In this case, it is uncontested that appellant experienced the employment incident at the time, place and in the manner alleged. However, the question of whether an employment incident caused a personal injury generally can be established by medical evidence,⁷ and appellant has not submitted rationalized, probative medical evidence to establish that the employment incident on June 30, 2001 caused a personal injury and resultant disability.

Appellant has not submitted a rationalized, probative medical opinion sufficient to demonstrate that her June 30, 2001 employment incident caused a personal injury or resultant disability. In this regard, the Board has held that the mere fact that a condition manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two.⁸ Neither the fact that the condition became apparent during a period of employment nor the belief that the condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.⁹ Causal relationship must be established

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

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

⁴ *John J. Carlone*, 41 ECAB 354 (1989).

⁵ *Id.* For a definition of the term “injury,” see 20 C.F.R. § 10.5(a)(14).

⁶ *Id.*

⁷ *See John J. Carlone*, *supra* note 4 at 353.

⁸ *See Joe T. Williams*, 44 ECAB 518, 521 (1993).

⁹ *Id.*

by rationalized medical opinion evidence and appellant failed to submit such evidence in the present case. Appellant submitted the monthly treatment reports from Kaiser Permanente which stated findings on examination and noted her complaints of left shoulder pain, but these did not contain a rationalized medical opinion demonstrating that appellant's diagnosed condition was causally related to her June 30, 2001 employment injury. The Office advised appellant of the type of evidence required to establish her claim; however, appellant failed to submit such evidence. Accordingly, as appellant failed to submit any probative medical evidence establishing that she sustained a left shoulder injury in the performance of duty, the Office properly denied appellant's claim for compensation.

The decision of the Office of Workers' Compensation Programs dated June 3, 2002 is hereby affirmed.

Dated, Washington, DC
March 5, 2003

Alec J. Koromilas
Chairman

David S. Gerson
Alternate Member

A. Peter Kanjorski
Alternate Member