

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of THOMAS McCALLISTER and U.S. POSTAL SERVICE,
BRENTWOOD POST OFFICE, Pittsburgh, PA

*Docket No. 03-1116; Submitted on the Record;
Issued September 12, 2003*

DECISION and ORDER

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

The issue is whether appellant has established an employment-related disability from November 30 to December 26, 2002 due to her accepted employment injury.

On June 30, 2001 appellant, then a 45-year-old carrier, filed a notice of traumatic injury and claim for continuation of pay/compensation (Form CA-1) alleging that, on that date, while attempting to lift a package in the pouring rain, the package slipped out of his hands causing him to pull his left shoulder. In a medical report dated July 3, 2001, Dr. Robert F. Weiss, a Board-certified orthopedic surgeon, listed his impression as sprain left biceps tendon. In a medical report dated July 20, 2001, Dr. Weiss added tendinitis to his diagnosis. The Office of Workers' Compensation Programs accepted appellant's claim for left shoulder strain/sprain, specifically left bicep tendon strain.

In a medical report dated August 21, 2002, Dr. Weiss indicated that appellant had bilateral shoulder pain secondary to osteoarthritis acromioclavicular joint, bilateral knee pain secondary to medial compartment arthritis and probable degenerative meniscal tear and left carpal tunnel syndrome.

In an attending physician's report (Form CA-20) dated November 13, 2002, Dr. Weiss indicated that appellant had osteoarthritis and impingement syndrome in his left shoulder. He indicated that he believed that these conditions were caused or aggravated by appellant's employment as he had multiple pains since he resumed carrying mail. Dr. Weiss listed the date of injury as April 2002. On November 18, 2002 Dr. Weiss performed an arthroscopy on appellant's left shoulder. The Office denied coverage for this surgery as it found that there was no demonstrated relationship of the left shoulder strain to the current symptoms of degeneration in the left shoulder.

On December 24 and 29, 2002 appellant filed claims for compensation (Form CA-7) for disability from November 30 to December 27, 2002.

On January 13, 2003 the Office denied compensation benefits for the period November 30 through December 26, 2002. The Office noted that this claim was submitted for left shoulder surgery, and that surgery was denied as not related to the accepted condition in the claim.

The Board finds that appellant has not met his burden of proof to establish that he was disabled from November 30 to December 26, 2002 causally related to his accepted employment injury.

A claimant seeking benefits under the Federal Employees' Compensation Act¹ has the burden of proof to establish the essential elements of his claim by the weight of the evidence,² including that he sustained an injury in the performance of duty and that any specific condition or disability for work for which he claims compensation is causally related to that employment injury.³

The medical evidence required to establish a causal relationship 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.⁴

In the instant case, the Office accepted appellant's claim for a June 30, 2001 left shoulder strain/sprain. Appellant has not submitted rationalized medical evidence linking his alleged disability from November 30 to December 26, 2002 with his accepted employment injury. In the attending physician's report, completed prior to appellant's November 18, 2002 arthroscopy on his left shoulder, Dr. Weiss indicated that appellant had osteoarthritis and impingement syndrome in his left shoulder. He further indicated that he believed that these conditions were caused or aggravated by appellant's employment as he had multiple pains since he resumed carrying mail. However, Dr. Weiss did not link the osteoarthritis or chronic impingement syndrome to the June 30, 2001 accepted injury. Rather, he listed the date of injury as April 2002. He also indicated that the condition was caused by carrying mail, not by the traumatic injury of June 30, 2001. There are no other medical reports in the record addressing appellant's medical condition from November 30 to December 26, 2002. In the absence of such evidence, the Board finds that appellant did not meet his burden of proof in this case.

¹ 5 U.S.C. §§ 8101-8193.

² *Nathaniel Milton*, 37 ECAB 712 (1986).

³ *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁴ *Delores C. Ellyett*, 41 ECAB 992, 994 (1990).

The decision of the Office of Workers' Compensation Programs dated January 13, 2003 is affirmed.⁵

Dated, Washington, DC
September 12, 2003

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member

⁵ Appellant submitted additional evidence after the Office's January 13, 2003 decision. However, the Board's 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).