

tray of mail and distributing it to the right ZIP Code. Appellant stated that when he reported to work that morning his supervisor told him to go to the 11-digit area to pull trays of mail:

“While performing my duties I encountered a sharp pain in my left shoulder. This occurred while pulling a sleeve off of a tray of mail. This happen[ed] about 12:40 [a.][m.]. I immediately went to [my] supervisor and told Supervisor Stevens that my shoulder was injure[d] and hurting me.”

Appellant stopped work because of the pain, requested medical leave and saw his physician on February 26, 2002. Dr. Veena Cham, an attending internist, completed a disability slip on February 26, 2002 indicating that appellant was disabled for work from February 24 through 26, 2002 and could return to work with restrictions on February 27, 2002. She noted a left shoulder involvement and prescribed a pain reliever and muscle relaxant.

When appellant returned to work on February 28, 2002 with paperwork from his physician, the supervisor told him he might not be able to work with restrictions. A union representative recommended that he file an accident report and write a statement about what took place.

Appellant requested light duty on February 28, 2002. He stated that he had a physical problem with his shoulder and when he made an effort to do the job he was assigned, “the lifting started my problems right back up again.” The record indicates that appellant had a nonwork-related injury in October 2000, when he was beaten with a baseball bat. Following that incident, Dr. Cham diagnosed a muscular injury to the left arm and back, or left arm and shoulder.

On March 12, 2002 the Office requested that appellant submit additional factual and medical information to support his claim for compensation, including a physician’s opinion supported by a medical explanation as to how the reported work incidence caused or aggravated the claimed injury.

The Office received, a March 21, 2002 disability slip from Dr. Cham, who diagnosed “joint pain shoulder” and “sprain rotator cuff.” She stated: “Left shoulder pain aggravated by lifting tray on job on February 24, 2002.”

In a decision dated April 17, 2002, the Office denied appellant’s claim on the grounds that the evidence was insufficient to establish that he experienced the claimed accident at the time, place and in the manner alleged. The Office noted evidence that appellant was on annual leave from February 16 to 28, 2002.

Appellant requested reconsideration and submitted additional evidence. In an unsigned report dated April 30, 2002, Dr. Cham related appellant’s history and her findings on examination on April 26, 2002. She diagnosed a rotator cuff strain.

In a decision dated May 31, 2002, the Office reviewed the merits of appellant’s claim and modified the April 17, 2002 decision. The Office accepted that appellant was at work on February 24, 2002 but found that the medical evidence did not clearly establish any medical condition proximately caused by working on that date.

On July 12, 2002 appellant requested reconsideration. In a decision dated July 24, 2002, the Office denied modification of the May 31, 2002 decision.

Appellant again requested reconsideration on May 27, 2003. He submitted an April 9, 2003 report from Dr. Cham, who stated, as follows:

“[Appellant] is a 36-year-old gentleman, who has a history of left shoulder rotator cuff strain. This started in early October of 2000, when he was hit with a baseball bat in one of the grocery stores. He had multiple treatments including physical therapy, going to the Athletic Medicine and slowly he got better. [Appellant] was put on restricted job and was off work on and off. He went back to work and they put him on the regular job. His job restrictions were that he should not work with one hand and should not work more than 6 [to] 8 hours per day and do not lift more than 5 [to] 10 pounds. On January 24th [appellant] came back and he said he was put on original job, he started having some pain again and then at that time he was again sent back to physical therapy. [Appellant] said he lifted trays, which is carrying weight about 20 [to] 30 pounds for a period of time that caused him a lot of pain and he was again taken off of the work and was referred to physical therapy and Athletic Medicine to Dr. Mendel. After the physical therapy, he felt better. He was again released to work on January 14, 2003. He needed a letter stating that he did see me on 24th of January with the pain, which was caused by lifting trays weighing more than 20 [to] 30 pounds on that day. This carrying such a load from his left hand caused his strain to get aggravated. If you have any questions, please give me a call.”

In a decision dated November 4, 2003, the Office reviewed the merits of appellant’s claim and denied modification of the July 12, 2002 decision. The Office found that Dr. Cham failed to provide any specific objective findings, other than a complaint of increased pain, to support that lifting trays at work aggravated appellant’s underlying shoulder condition. The Office also found that Dr. Cham failed to provide a rationalized medical opinion that differentiated the effects of the employment-related injury from the preexisting shoulder condition: “Without medical evidence supporting a specific diagnosis in connection to the incident described nor any supportive objective findings or medical reasoning indicating a specific relationship to that incidence as opposed to the underlying condition itself, causal relationship has not been established.”

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees’ Compensation Act¹ has the burden of proof to establish the essential elements of his claim. When an employee claims that he sustained an injury in the performance of duty, he must submit sufficient evidence to establish that

¹ 5 U.S.C. §§ 8101-8193.

he experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. He must also establish that such event, incident or exposure caused an injury.²

Causal relationship is a medical issue,³ and the medical evidence generally required to establish causal relationship is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence that includes a physician's rationalized opinion on whether there is a causal relationship between the claimant's diagnosed condition and the established incident or factor of employment. The opinion of the physician must be based on a complete factual and medical background of the claimant,⁴ must be one of reasonable medical certainty,⁵ and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the established incident or factor of employment.⁶

ANALYSIS

The Office accepted that appellant was at work on February 24, 2002. Appellant alleged that he was pulling trays of mail, lifting the trays and pulling a sleeve off a tray. He related to his attending internist, Dr. Cham, that these trays weighed 20 to 30 pounds. There is no evidence to the contrary. The Board finds that appellant experienced the lifting, incident occurring at the time, place and in the manner alleged. The question for determination is whether this incident on February 24, 2002 caused an injury.

The medical opinion evidence submitted in this case is supportive of appellant's claim. On March 21, 2002 Dr. Cham diagnosed "joint pain shoulder" and "sprain rotator cuff" and noted: "Left shoulder pain aggravated by lifting tray on job on February 24, 2002." In an April 9, 2003 report, Dr. Cham reviewed appellant's history, noting that he was hit with a baseball bat in early October 2000. She described his progress and stated that he lifted trays weighing 20 to 30 pounds, which caused him shoulder pain. She reported that appellant saw her on January 24, 2002 for shoulder pain, which was caused by lifting trays weighing more than 20 to 30 pounds on that day. Dr. Cham added: "This carrying such a load from his left hand caused his strain to get aggravated."

Dr. Cham did not describe her examination of appellant on February 26, 2002 to support her diagnosis of rotator cuff sprain. She did not provide an abundance of medical rationale as to how lifting trays of mail aggravated appellant's preexisting left shoulder condition. She also mistakenly reported in her April 9, 2003 report, that appellant saw her on January 24, 2002 with

² See generally *John J. Carlone*, 41 ECAB 354 (1989); *Abe E. Scott*, 45 ECAB 164 (1993); see also 5 U.S.C. § 8101(5) ("injury" defined); 20 C.F.R. §§ 10.5(a)(15), 10.5(a)(16) ("traumatic injury" and "occupational disease or illness" defined).

³ *Mary J. Briggs*, 37 ECAB 578 (1986).

⁴ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁵ See *Morris Scanlon*, 11 ECAB 384, 385 (1960).

⁶ See *William E. Enright*, 31 ECAB 426, 430 (1980).

pain, while the record establishes that he saw her on February 26, 2002 for pain that began on February 24, 2002.

The factual and medical evidence tends to support appellant's claim that he sustained a left shoulder injury on February 24, 2002 while in the performance of his duty. Appellant has been consistent in his account of the alleged injury and his subsequent actions are consistent with an injury having occurred. He alleged that after he encountered a sharp pain in his left shoulder on February 24, 2002 while pulling a sleeve off of a tray of mail, he immediately notified his supervisor that his shoulder was injured. He stopped work and sought medical attention from Dr. Cham. She was following appellant for his October 2002 shoulder injury, which she diagnosed as a muscular injury to the left arm and back, or left arm and shoulder. Dr. Cham saw appellant on February 26, 2002 two days after the alleged injury and completed a disability slip indicating that appellant was disabled for work from February 24 through 26, 2002 and could return to work with restrictions on February 27, 2002. She noted a left shoulder involvement and prescribed a pain reliever and muscle relaxant.

Generally, a claimant must submit a rationalized medical opinion to establish causal relationship.⁷ Although Dr. Cham offered little medical reasoning to support her affirmative opinion on causal relationship, there is no medical opinion evidence to the contrary. Under the circumstances, the Board finds that the evidence in this case is sufficiently supportive of appellant's claim for compensation that further development of the evidence is warranted.⁸ The Board will set aside the Office's November 4, 2003 decision denying appellant's claim and remand the case for further development of the medical opinion evidence. After such further development as may be necessary, the Office shall issue an appropriate final decision on appellant's claim that he sustained a left shoulder injury on February 24, 2002 while in the performance of his duty.

CONCLUSION

The Board finds that this case is not in posture for a decision on whether appellant sustained a left shoulder injury on February 24, 2002 while in the performance of his duty, as alleged. Further development of the medical opinion evidence is warranted.

⁷ See *Manuel Gill*, 52 ECAB 282 (2001).

⁸ See *John J. Carlone*, 41 ECAB 345, 358 (1989) (finding that the medical evidence was not sufficient to discharge appellant's burden of proof but remanding the case for further development of the medical evidence given the uncontroverted inference of causal relationship raised).

ORDER

IT IS HEREBY ORDERED THAT the November 4, 2003 decision of the Office of Workers' Compensation Programs is set aside and the case remanded for further action consistent with this opinion.

Issued: April 27, 2004
Washington, DC

Colleen Duffy Kiko
Member

Willie T.C. Thomas
Alternate Member

Michael E. Groom
Alternate Member