

**United States Department of Labor
Employees' Compensation Appeals Board**

WENDY S. CONNELL, Appellant

and

**U.S. POSTAL SERVICE, POST OFFICE,
Sultan, WA, Employer**

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**Docket No. 04-1729
Issued: December 23, 2004**

Appearances:
Wendy S. Connell, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:

ALEC J. KOROMILAS, Chairman
COLLEEN DUFFY KIKO, Member
MICHAEL E. GROOM, Alternate Member

JURISDICTION

On June 29, 2004 appellant filed a timely appeal from a merit decision of the Office of Workers' Compensation Programs dated May 5, 2004, finding that she had not established her claim for a shoulder injury. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

ISSUE

The issue is whether appellant met her burden of proof in establishing that she sustained a right shoulder condition in the performance of duty.

FACTUAL HISTORY

On March 11, 2004 appellant, then a 38-year-old rural letter carrier, filed an occupational disease claim alleging that she sustained inflammation in the right shoulder from casing and delivering mail that caused stiffness and pain. She became aware of her condition and that it was caused by her employment on January 1, 2002. Appellant stated that she had a similar injury but

that with medication and therapy the pain went away. The pain returned two and a half months prior and she was symptomatic since that time. Her supervisor was notified on March 11, 2004.

By letter dated March 18, 2004, the Office informed appellant of the type of evidence needed to support her claim.

In a duty status report dated March 17, 2004, Dr. H. Maldonado, an attending physician with a specialty in family practice, stated that appellant exhibited edema and tenderness at the right scapula and diagnosed a scapular joint strain. The physician checked “yes” indicating that the history of injury provided by appellant corresponded to that described on the form that repetitive use of the shoulder when casing or delivering mail caused stiffness and pain in the right upper chest. The date of injury was listed as January 1, 2002. Dr. Maldonado advised that appellant needed an appointment with an orthopedic surgeon.

In a narrative statement dated April 4, 2004, appellant stated that in January 2002 she found a lump in her shoulder for which she received medical care. She noted that she had several boxes on her mail route which were hard to reach from her car and that while serving a box she experienced shoulder pain. Since November 2003 the mail volume increased on her route and she was casing mail between four to six hours a day. Appellant stated that her shoulder condition returned in January.

By decision dated May 5, 2004, the Office denied the claim on the grounds that appellant failed to establish that she sustained a medical condition in the performance of duty.

LEGAL PRECEDENT

In an occupational disease claim, in order to establish that an injury was sustained in the performance of duty, 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 diagnosed condition is causally related to the employment factors identified by the claimant. The medical opinion 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.¹

The evidence generally required to establish causal relationship is rationalized medical opinion evidence. The claimant must submit a rationalized medical opinion that supports a causal connection between his current condition and the employment injury. The medical opinion must be based on a complete factual and medical background with an accurate history of the claimant’s employment injury and must explain from a medical perspective how the current condition is related to the injury.²

¹ *Solomon Polen*, 51 ECAB 341 (2000).

² *Tomas Martinez*, 54 ECAB ____ (Docket No. 03-396, issued June 16, 2003).

ANALYSIS

It is not disputed that appellant cased and delivered mail. The issue in this case is whether she has established a medical condition causally related to factors of her federal employment.

Appellant submitted a duty status report dated March 17, 2002 from Dr. Maldonado, an attending physician. He checked a box “yes” that the history of injury provided by her corresponded to that described on the form. The history listed on the form noted repetitive use of the shoulder while casing and delivering mail. However, the physician did not provide an opinion explaining how employment factors caused or aggravated her right shoulder condition to the extent that the checkmark “yes” may be construed as an opinion supporting causal relationship, it is of diminished probative value and is insufficient to establish a causal relationship because the physician did not provide any medical reasoning to support his conclusion.³ No other medical evidence was submitted that is contemporaneous with time period in which appellant has claimed that her shoulder became symptomatic.

While appellant’s narrative statement relates her contentions about the claim, the underlying issue is whether the medical evidence supports, with a physician’s explanation, that particular employment activities caused or aggravated a medical condition. The Office advised her of the necessity of such medical evidence, but a rationalized medical report was not forthcoming.

CONCLUSION

The Board finds that appellant failed to establish that she sustained a medical condition while in the performance of duty.

³ Gary J Watling, 52 ECAB 278 (2000).

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated May 5, 2004 is affirmed.

Issued: December 23, 2004
Washington, DC

Alec J. Koromilas
Chairman

Colleen Duffy Kiko
Member

Michael E. Groom
Alternate Member