

April 20, 2004 the Office advised appellant that he needed to submit a medical report explaining how the diagnosed condition was causally related to the claimed incident.

Appellant submitted an accident report from the employing establishment dated May 14, 2001, which reported that on May 4, 2001 he moved a root or limb about 8 to 10 inches long and felt a sharp pain in his left shoulder, which he thought was a pulled muscle. By Monday, May 7, 2001, when it was not getting better, he called the postmaster and went to the doctor. Appellant's May 14, 2001 statement confirmed this account, and stated that when he picked the root up and threw it out of the way, his shoulder popped and his arm hurt. He had been having trouble with his shoulder and arm for about two weeks but thought it was just sore muscles until he went to his doctor on May 7, 2001. A magnetic resonance imaging (MRI) scan was obtained on May 8, 2001. With the accident report was a claim for compensation for an occupational disease filed by appellant on May 14, 2001 for a torn rotator cuff and torn tendon. Appellant indicated that he first realized this condition was related to his employment on May 7, 2001.

In a May 17, 2001 report, Dr. Garland Miller, Jr., a general practitioner, diagnosed a torn rotator cuff and ruptured head of the biceps tendon, and indicated that appellant would be incapacitated for 12 weeks after surgery. In a January 28, 2004 report done in consultation for an impairment rating, Dr. Clinton McAlister, a Board-certified orthopedic surgeon, noted that appellant had a history of "an injury to his left upper extremity in April 2001 where he had a rupture of the long head of the biceps and the rotator cuff," which occurred while throwing a root and he felt a sudden pop. Dr. McAlister reported findings on examination and concluded that appellant had a 12 percent permanent impairment of his left upper extremity.

By decision dated May 20, 2004, the Office found that the "medical evidence does not establish that the claimed medical condition resulted from the accepted event(s)."

By letter dated July 17, 2004, appellant requested reconsideration, stating that he had submitted "the correct information to reconsider my claim from date of injury, May 4, 2001 through my impairment evaluation, January 28, 2004." Appellant submitted additional medical evidence. An MRI scan done on May 8 2001 showed a full thickness tear of the supraspinatus tendon and a torn tendon of the long head of the biceps. In a May 10, 2001 report, Dr. G. Michael Haynie, a Board-certified orthopedic surgeon, noted appellant's history of throwing a root when he felt a sudden pop in his arm and a great deal of pain. Dr. Haynie stated that the MRI scan showed a biceps tendon rupture and fairly significant rotator cuff tear. He injected appellant's shoulder to try to achieve a better range of motion with less pain, and stated he would have him stay off work a couple of weeks. On May 21, 2001 Dr. Haynie performed surgery on appellant's left shoulder, described as a subacromial decompression and rotator cuff repair.

In a June 14, 2004 report, Dr. Haynie stated:

"[Appellant] is a patient of mine. He had rotator cuff repair in 2001. [Appellant] uses his arms constantly in an outstretched position as a mail handler during his mail delivery. This could certainly result in his rotator cuff problems for which he had surgery in 2001."

By decision dated August 18, 2004, the Office denied modification of the May 20, 2004 decision, finding that Dr. Haynie's June 14, 2004 report lacked probative value because it was speculative and not based on a complete history of injury. The Office found that causal relation was not established. This decision noted appellant's April 6, 2004 claim for compensation for a traumatic injury on May 4, 2001, and did not refer to appellant's May 14, 2001 claim for an occupational disease.

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of his or her claim including 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

To accept fact of injury in a traumatic injury case, the Office, in addition to finding that the employment incident occurred in the performance of duty as alleged, must also find that the employment incident resulted in an "injury." The term "injury" as defined by the Act, as commonly used, refers to some physical or mental condition caused either by trauma or by continued or repeated exposure to, or contact with, certain factors, elements or conditions.³ The question of whether an employment incident caused a personal injury generally can be established only by medical evidence.⁴

ANALYSIS

The Board finds that the Office properly denied appellant's claim for compensation for a traumatic injury sustained on May 4, 2001. This was the only issue adjudicated by the Office in its August 18 and May 20, 2004 decisions. The circumstances of the case -- a pop of the shoulder and immediate severe pain followed by an MRI scan four days later -- suggest that the May 4, 2001 work incident caused the rotator cuff tear seen on the MRI scan. However, the only medical report that addresses causal relationship is Dr. Haynie's June 14, 2004 report. The physician attributed appellant's rotator cuff problem not to the May 4, 2001 incident, for which Dr. Haynie first saw appellant six days later, but to using his arms constantly in an outstretched position in delivering mail. The Board finds that the medical evidence does not establish that appellant's rotator cuff condition is causally related to the May 4, 2001 work incident in which appellant moved a root, and does not establish that he sustained a traumatic injury to his shoulder on that date.

¹ 5 U.S.C. § 8101 *et seq.*

² See *Daniel R. Hickman*, 34 ECAB 1220 (1983).

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

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

CONCLUSION

The medical evidence does not establish that appellant sustained a traumatic injury to his left shoulder on May 4, 2001.

ORDER

IT IS HEREBY ORDERED THAT the August 18 and May 20, 2004 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: March 25, 2005
Washington, DC

Alec J. Koromilas
Chairman

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member