

October 2004 it had become unbearable. The employing establishment noted that appellant underwent surgery on December 16, 2004. He was on sick leave since December 15, 2004.

By letter dated April 18, 2005, the Office advised appellant that the information submitted was not sufficient to determine whether he was eligible for benefits. It requested additional medical and factual evidence, including a detailed narrative report from a physician that included a history of injury and a firm diagnosis of his condition. His physician was requested to provide an opinion on the causal relationship between the diagnosed condition and his federal employment.

In a report dated November 3, 2004, Dr. Calvin S. Oishi, a treating orthopedic surgeon, stated that a magnetic resonance imaging (MRI) scan revealed a partial rotator cuff tear of the left shoulder and that he would treat the condition with anti-inflammatories. On December 1, 2004 he noted appellant's history of persistent shoulder pain and recommended diagnostic arthroscopy. On December 16, 2004 Dr. Oishi performed left shoulder arthroscopic rotator cuff repair and diagnosed chronic subacromial bursitis, a tear of the anterior and superior labrum, synovitis of the glenohumeral joint and distal clavicular arthritis of the left shoulder. On January 10 and 24 and February 14, 2005 he noted appellant's status in follow-up examinations. Also submitted was a December 17, 2004, surgical pathology report.

On February 28, 2005 appellant stated that he experienced bilateral shoulder pain for two years which he believed was due to lifting heavy equipment, components of more than 40 pounds and test packages. He carried components chest high and had to place them down gently which added to his shoulder strain. Appellant also stated that test components were moved as many as four times in a work shift. He contended that his shoulders had been aggravated repeatedly over time, resulting in a torn rotator cuff.

By decision dated June 2, 2005, the Office denied appellant's claim on the grounds that the medical evidence failed to establish a causal relationship between his left rotator cuff tear and his employment.

LEGAL PRECEDENT

To establish that an injury was sustained in the performance of duty, appellant must submit the following: (1) medical evidence establishing the presence or existence of the condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the condition; and (3) medical evidence establishing that the employment factors identified by the claimant were the proximate cause of the condition for which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant. The medical evidence required to establish causal relationship, generally is 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 appellant'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 appellant.¹

The mere fact that a disease manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two. Neither the fact that the disease became apparent during a period of employment, nor the belief of appellant that the disease was caused or aggravated by employment conditions, is sufficient to establish causal relation.²

ANALYSIS

Appellant noted that he first experienced bilateral shoulder pain on February 28, 2003 which he suspected was caused by lifting heavy equipment. While the record supports his claimed employment exposure, there is no medical evidence addressing how his federal work duties caused or contributed to his left shoulder condition.

Dr. Oishi diagnosed a torn rotator cuff as revealed by an MRI scan, but did not provide an opinion relating the diagnosis to appellant's federal employment. He did not provide a history of injury addressing appellant's employment or the lifting requirements to the diagnosed condition. He did not indicate that the injury was caused by activities that appellant mentioned in his narrative report. As noted above, part of appellant's burden of proof is the submission of medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant. The Office specifically requested on April 18, 2005 that appellant's physician provide a history of the injury and an opinion on the causal relationship between the left shoulder condition and his federal employment.

Although work activities may produce pain or discomfort revelatory of an underlying condition, this does not raise an inference of causal relationship.³ The fact that the etiology of a disease or condition is unknown or obscure does not relieve appellant of the burden of establishing a causal relationship by the weight of the medical evidence, nor does it shift the burden of proof to the Office to disprove an employment relationship.⁴

The record does not include medical evidence attributing appellant's condition to his employment. Dr. Oishi's reports do not address or explain how any particular condition was caused or aggravated by his employment. Consequently, appellant failed to meet his burden of proof in establishing that he sustained an injury in the performance of duty. The Office properly denied his occupational disease claim.

¹ *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

² *Joseph T. Gulla*, 36 ECAB 516, 519 (1985).

³ *Jimmie H. Duckett*, 52 ECAB 332, 336 (2001).

⁴ *Judith J. Montage*, 48 ECAB 292, 294-95 (1997).

CONCLUSION

The Board finds that appellant has not met his burden of proof to establish that he sustained an injury in the performance of duty.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated June 2, 2005 is affirmed.

Issued: November 10, 2005
Washington, DC

David S. Gerson, Judge
Employees' Compensation Appeals Board

Willie T.C. Thomas, Alternate Judge
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge
Employees' Compensation Appeals Board