

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

BONNIE J. FARMER, Appellant

and

**U.S. POSTAL SERVICE, POST OFFICE,
Campbellsville, KY, Employer**

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**Docket No. 06-472
Issued: April 21, 2006**

Appearances:
Bonnie J. Farmer, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:

ALEC J. KOROMILAS, Chief Judge
DAVID S. GERSON, Judge
MICHAEL E. GROOM, Alternate Judge

JURISDICTION

On December 27, 2005 appellant filed a timely appeal of a September 20, 2005 decision of an Office of Workers' Compensation Programs' hearing representative regarding the denial of her claim for compensation. 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 has established a left shoulder injury in the performance of duty on January 13, 2005.

FACTUAL HISTORY

On March 7, 2005 appellant, then a 49-year-old rural carrier, filed a traumatic injury claim for continuation of pay/compensation (Form CA-1) alleging that she sustained a left shoulder injury on January 13, 2005 while "lifting bundles over seat." In a statement received by the Office on April 12, 2005, appellant noted that she was lifting a bundle of mail over the seat while on her route and she had at least 25 bundles to handle that day. Appellant submitted a

March 7, 2005 note from Dr. Ty Richardson, an orthopedic surgeon, indicating that appellant was treated for a left shoulder condition and could return to work with no overhead work and a 10-pound lifting restriction.

By letter dated March 15, 2005, the Office requested that appellant submit additional evidence with respect to her claim. Appellant submitted a report dated March 7, 2005 from Dr. Richardson, noting that appellant's "job involves her reaching back with her left hand to pull heavy bags of mail toward her." Dr. Richardson provided results on examination, diagnosed left shoulder impingement and left adhesive capsulitis. The report is not signed.

By decision dated April 27, 2005, the Office denied the claim for compensation. The Office found that appellant did not provide a detailed description of how the injury occurred.

Appellant requested a review of the written record by an Office hearing representative. In a decision dated September 20, 2005, the hearing representative found that appellant had described how the incident occurred and provided medical evidence with a diagnosis of a left shoulder condition. The hearing representative found that the medical evidence on causal relationship was not sufficient to meet appellant's burden of proof.

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees' Compensation Act has the burden of establishing the essential elements of her claim including the fact that the individual is an employee of the United States within the meaning of the Act, that the claim was timely filed within the applicable time limitation period of the Act, 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.¹ These are the essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.²

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it first must be determined whether the fact of injury has been established. First, the employee must submit sufficient evidence to establish that she actually experienced the employment incident at the time, place and in the manner alleged. Second, the employee must submit evidence, in the form of medical evidence, to establish that the employment incident caused a personal injury.³

ANALYSIS

Appellant alleged that she sustained an injury on January 13, 2005 when she was lifting a bundle of mail over a seat. The Office does not dispute that an employment incident occurred as

¹ *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

² *Delores C. Ellyett*, 41 ECAB 992, 998-99 (1990); *Ruthie M. Evans*, 41 ECAB 416, 423-27 (1990).

³ See *John J. Carlone*, 41 ECAB 354, 356-57 (1989); *Julie B. Hawkins*, 38 ECAB 393, 396 (1987); Federal (FECA) Procedure Manual, Part 2 -- Claims, *Fact of Injury*, Chapter 2.803.2a (June 1995).

alleged. It is, however, appellant's burden to submit sufficient medical evidence to establish a diagnosed left shoulder condition casually related to the employment incident. Although appellant argues that Dr. Richardson does explain causal relationship, the record does not contain a medical report with a complete medical background or a reasoned medical opinion on causal relationship between a diagnosed left shoulder condition and the January 13, 2005 employment incident. Moreover, the Board notes that the May 7, 2005 narrative report is not signed. It is well established that medical evidence lacking proper identification is of no probative medical value.⁴

The Board finds that appellant did not meet her burden of proof in this case with respect to the medical evidence. The Office therefore properly denied the claim for compensation filed on March 7, 2005.

CONCLUSION

Appellant did not establish an injury in the performance of duty on January 13, 2005 as the medical evidence on causal relationship is not sufficient to meet appellant's burden of proof.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated September 20, 2005 is affirmed.

Issued: April 21, 2006
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

David S. Gerson, Judge
Employees' Compensation Appeals Board

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

⁴ *Thomas L. Agee*, 56 ECAB ____ (Docket No. 05-335, issued April 19, 1985); *Richard F. Williams*, 55 ECAB ____ (Docket No. 03-1176, issued February 23, 2004); *Merton J. Sills*, 39 ECAB 572 (1988).