

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

CLARENCE D. BELL, Appellant

and

**U.S. POSTAL SERVICE, POST OFFICE,
St. Petersburg, FL, Employer**

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**Docket No. 06-934
Issued: July 17, 2006**

Appearances:
Dean Albrecht, for the appellant
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 March 15, 2006 appellant filed a timely appeal from an Office of Workers' Compensation Programs' decision dated January 25, 2006, denying his claim for a right shoulder injury. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of the claim.

ISSUE

The issue is whether appellant sustained a right shoulder injury causally related factors of his federal employment.

FACTUAL HISTORY

This case was previously before the Board.¹ By decision dated August 20, 2004, the Board affirmed a January 5, 2004 Office decision that denied appellant's claim for a right upper extremity condition. The Board's August 20, 2004 decision is herein incorporated by reference.

¹ Docket No. 04-969 (issued August 20, 2004).

On October 1, 2002 appellant, then a 50-year-old mail handler, filed a claim alleging that he developed an occupational disease affecting his right shoulder and right biceps tendon caused by repetitive lifting and unsleeving trayed mail, lifting tubs of mail and transferring mail to other containers. On January 14, 2003 the Office denied appellant's claim on the grounds that the medical evidence did not establish that his right shoulder condition was causally related to factors of his employment.

Following the Board's August 20, 2004 decision, appellant requested reconsideration and submitted additional medical evidence. In a July 12, 2005 report, Dr. Jeffrey L. Tedder, a Board-certified orthopedic surgeon, stated that appellant was experiencing right shoulder problems and provided findings on physical examination. He noted that a magnetic resonance imaging scan revealed a tear of the supraspinatus tendon. Dr. Tedder diagnosed right shoulder impingement bursitis, rotator cuff tendinitis and a tear of the right supraspinatus tendon. He stated: "I do believe that [appellant's] major contributing factor is the repetitive motion that his job requires."

By decision dated January 25, 2006, the Office denied modification of its January 5, 2004 decision.

LEGAL PRECEDENT

To establish a causal relationship between a claimant's condition and his employment, he must submit rationalized medical opinion evidence based on a complete factual and medical background supporting such a causal relationship. Rationalized medical opinion evidence is medical evidence which includes a physician's opinion on the issue of whether there is a causal relationship between the claimant's 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 the claimant.²

ANALYSIS

Appellant submitted the July 12, 2005 report of Dr. Tedder, who diagnosed right shoulder impingement bursitis, rotator cuff tendinitis and a tear of the right supraspinatus tendon. He stated that the repetitive motion required in appellant's job was a major contributing factor in his right shoulder conditions. However, Dr. Tedder did not address or describe appellant's specific work duties involving repetitive motion. In noting that appellant's job was a major factor in his right shoulder condition, he did not address other contributing factors. The tendon tear is a new diagnosis³ and Dr. Tedder did not explain how this condition was related to the job factors appellant listed in his October 1, 2002 claim form. The report from Dr. Tedder does not contain a complete and accurate factual and medical background or a rationalized medical opinion relating the diagnosed right shoulder conditions to specific factors of appellant's employment.

² Gary J. Watling, 52 ECAB 278 (2001); Gloria J. McPherson, 51 ECAB 441 (2000).

³ Previous medical reports noted tendinitis and tendinosis of the supraspinatus tendon but no tear.

Therefore, it is of diminished probative value and not sufficient to establish that appellant sustained a work-related right shoulder injury.

CONCLUSION

The Board finds that appellant failed to establish that he sustained a right shoulder injury causally related to factors of his employment.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated January 25, 2006 is affirmed.

Issued: July 17, 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