

By letter dated August 19, 2005, the Office advised appellant that additional factual and medical evidence was needed. It explained that the physician's opinion was crucial to his claim and allotted appellant 30 days to submit the requested information.

An August 17, 2005 magnetic resonance imaging (MRI) scan of the left shoulder, read by Dr. Navraj Grewal, a Board-certified diagnostic radiologist, revealed no evidence of rotator cuff tear.

By decision dated September 20, 2005, the Office denied appellant's claim on the grounds that he did not establish an injury as alleged. It found that the evidence was sufficient to show that the August 4, 2005 incident occurred as alleged. However, the Office found that there was no medical evidence supporting that the accepted employment incident caused a diagnosed condition.

Appellant requested reconsideration on October 1, 2005. He submitted a September 16, 2005 report from Dr. Boone Brackett, a Board-certified orthopedic surgeon and treating physician. He reviewed appellant's history of injury and treatment. Dr. Brackett noted that appellant injured his back at work, six months earlier doing repetitive lifting. He noted that appellant had back pain on August 29, 2005. Dr. Brackett examined appellant and noted that he had not worked since August 4, 2005 because of pain in his back and right leg. Appellant had no neurological deficits and no clinical sign of any rotator cuff tear. Dr. Brackett recommended exercise and epidural injections. In an accompanying treatment note dated August 30, 2005, Dr. Brackett referenced a back injury six months prior at work, and noted that "[t]here is not much that I can see. No neurological deficit. No atrophy. Little sensation change maybe a little pinching of his upper lumbar root."

A September 26, 2005 MRI scan of the lumbar spine read by Dr. Robert A. Brelt, a radiologist, revealed a small central disc herniation at L5-S1.

In an October 6, 2005 attending physician's report, Dr. Kenneth Blair, Board-certified in family medicine, noted appellant's treatment. He advised that, on June 17, 2005, appellant engaged in heavy lifting at work and had low sacroiliac joint pain and that he subsequently strained his right shoulder on August 4, 2005 at work. Dr. Blair diagnosed low back pain, and right shoulder strain. He checked the box "yes" in response to whether he believed appellant's condition was caused or aggravated by an employment activity and filled in "back and shoulder symptoms secondary to job by history." Dr. Blair advised that appellant was totally disabled from June 23 to October 6, 2005 and was not yet able to return to work. In a disability certificate of the same date, he advised that appellant was unable to work from September 19 to October 10, 2005.

By decision dated January 11, 2006, the Office denied modification of its September 20, 2005 decision. The Office found that appellant had not provided sufficient evidence to support that he sustained an injury as a result of the work incident of August 4, 2005.

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 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 Act² and that an injury was sustained in the performance of duty.³ These are the essential elements of each compensation claim, regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁴

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it must first be determined whether a "fact of injury" has been established. First, the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time, place and in the manner alleged.⁵ Second, the employee must submit sufficient evidence, generally only in the form of medical evidence, to establish that the employment incident caused a personal injury.⁶

ANALYSIS

Appellant alleged that he was pushing heavy equipment from the dock on August 4, 2005 when he sustained an injury to his left shoulder in the performance of duty. The Office accepted that appellant was pushing heavy equipment at work. The Board finds that the first component of fact of injury, the claimed incident, pushing heavy equipment at work, occurred as alleged.

However, the medical evidence is insufficient to establish that the employment incident caused an injury. The medical reports of record do not establish that the pushing of heavy equipment at work caused a personal injury to appellant's left shoulder on August 4, 2005. The medical evidence contains no reasoned explanation of how the specific employment incident on August 4, 2005 caused or aggravated an injury.⁷

Appellant submitted several reports from Dr. Brackett. However, this evidence is insufficient to establish appellant's claim as the physician did not specifically address whether the accepted incident caused a diagnosed condition. Instead, in his September 16, 2005 report, Dr. Brackett advised that appellant had no neurological deficits and no clinical

¹ 5 U.S.C. §§ 8101-8193.

² *Joe D. Cameron*, 41 ECAB 153 (1989).

³ *James E. Chadden Sr.*, 40 ECAB 312 (1988).

⁴ *Delores C. Ellyet*, 41 ECAB 992 (1990).

⁵ *John J. Carlone*, 41 ECAB 354 (1989).

⁶ *Id.*

⁷ *See George Randolph Taylor*, 6 ECAB 986, 988 (1954) (where the Board found that a medical opinion not fortified by medical rationale is of little probative value).

sign of any rotator cuff tear. No firm diagnosis was provided and there was no evidence of a left rotator cuff tear.

In an October 6, 2005 report, Dr. Blair diagnosed low back pain and right shoulder strain. In noting appellant's history, he stated appellant's low sacroiliac joint pain after heavy lifting at work on June 17, 2005 and that, on August 4, 2005, he also strained his right shoulder at work. However, the history provided by Dr. Blair is not consistent with the August 4, 2005 injury claim. Appellant neither alleged a right shoulder condition nor alleged that his injury resulted from heavy lifting at work on June 17, 2005.⁸ Furthermore, Dr. Blair's support for causal relationship by checking a box "yes" in a form report, without additional explanation or rationale, is not sufficient to establish causal relationship.⁹ Other reports submitted by appellant do not specifically address how any particular diagnosed condition was causally related to appellant's work activities on August 4, 2005.

The medical reports submitted by appellant do not address how the August 4, 2005 pushing incident caused or aggravated a left shoulder condition. These reports are of limited probative value¹⁰ and are insufficient to establish that the August 4, 2005 employment incident caused or aggravated a specific injury.

CONCLUSION

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

⁸ See *Vernon R. Stewart*, 5 ECAB 276, 280 (1953) (where the Board held that medical opinions based on histories that do not adequately reflect the basic facts are of little probative value in establishing a claim).

⁹ See *Calvin E. King*, 51 ECAB 394 (2000).

¹⁰ See *Linda I. Sprague*, 48 ECAB 386, 389-90 (1997).

ORDER

IT IS HEREBY ORDERED THAT the January 11, 2006 and September 20, 2005 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: June 23, 2006
Washington, DC

David S. Gerson, Judge
Employees' Compensation Appeals Board

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