

FACTUAL HISTORY

On December 19, 2005 appellant, then a 47-year-old part-time flexible city carrier, filed an occupational disease claim (Form CA-2) alleging that his right shoulder condition was a result of the overhead reaching and casing duties of his job. In a December 2, 2005 duty restriction report, Dr. Ron J. Marek, an osteopath, diagnosed overuse syndrome and bursitis of the right shoulder. He opined that appellant should be placed in a light-duty assignment from December 2 through 16, 2005 and provided restrictions pertaining to the right shoulder.

In a letter dated February 6, 2006, the Office advised appellant that additional evidence was needed to make a determination of whether he was eligible for benefits under the Federal Employees' Compensation Act. Appellant was instructed to provide factual and medical evidence, which included a comprehensive medical report from his treating physician describing his symptoms, results of examinations and tests, diagnosis, the treatment provided and the doctor's opinion with medical rationale on the cause of his condition.

In response, appellant submitted an undated statement describing his work duties; a list of the routes he cased and carried from November 2005 through February 2006; a February 27, 2006 statement from his supervisor, Traci Gehrke; a physical requirement worksheet; and copies of work restrictions dated December 2 and 15, 2005 and January 6 and 9, 2006 from Dr. Marek which provided diagnoses of overuse syndrome, bursitis right shoulder or rotator cuff tendinitis.

By decision dated March 27, 2006, the Office denied the claim, finding that the medical evidence was insufficient to meet appellant's burden of proof.

LEGAL PRECEDENT

An employee seeking benefits under the Act has the burden of establishing the essential elements of his 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 establish that an injury was sustained in the performance of duty, a claimant must submit: a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; and medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.³

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 *Ruby I. Fish*, 46 ECAB 276, 279 (1994).

Causal relationship is a medical question that can generally be resolved only by rationalized medical opinion evidence.⁴ A physician's opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors must be based on a complete factual and medical background of the claimant.⁵ Additionally, in order to be considered rationalized, the opinion must be expressed in terms of a reasonable degree of medical certainty and must be supported by medical rationale, explaining the nature of the relationship between the diagnosed condition and appellant's specific employment factors.⁶

ANALYSIS

Appellant submitted a claim for compensation alleging that his right shoulder condition was due to the work activities of casing and overhead reaching. The Office accepted the claimed work-related events and there is no dispute that appellant cased mail and reached overhead at work. To establish his claim, appellant must also submit medical evidence establishing that a diagnosed condition is causally related to the identified work factors. In this case, the medical evidence is not sufficient to establish the claim.

Appellant submitted work restriction reports from Dr. Marek dated December 2 and 16, 2005 and January 6 and 19, 2006. Dr. Marek diagnosed the conditions of overuse syndrome, bursitis right shoulder or rotator cuff tendinitis and provided restrictions. However, he did not address any particular factor, duty or requirement of appellant's employment as the cause of the diagnosed conditions. As Dr. Marek's reports do not address the relevant issue of causal relationship, they are of diminished probative value.⁷

Although the Office had informed appellant of the necessity of submitting a well-rationalized medical opinion from his physician in its February 6, 2006 letter, he failed to do so. While appellant attributes his right shoulder condition to his work duties, the record contains insufficient medical opinion explaining how appellant's established work-related events caused and/or aggravated his right shoulder conditions. In this regard, the Board has held that the mere fact that a condition manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two.⁸ Neither the fact that the condition became apparent during a period of employment nor appellant's belief that the employment caused or aggravated his condition is sufficient to establish causal relationship.⁹ Casual relationship must be substantiated by reasoned medical opinion evidence, which is appellant's responsibility to submit.

⁴ See *Robert G. Morris*, 48 ECAB 238 (1996).

⁵ *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

⁶ *Id.*

⁷ See *Leslie C. Moore*, 52 ECAB 132 (2000).

⁸ *Nicollette R. Kelstrom*, 54 ECAB 570 (2003).

⁹ See *Joe T. Williams*, 44 ECAB 518, 521 (1993).

Appellant has failed to submit rationalized medical evidence establishing that his right shoulder conditions are causally related to factors of his federal employment. He has failed to meet his burden of proof.¹⁰ The Board finds that the Office properly denied his claim for benefits under the Act.

CONCLUSION

Appellant has not met his burden of proof in establishing that his right shoulder conditions are causally related to his federal employment.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated March 27, 2006 is affirmed.

Issued: October 30, 2006
Washington, DC

David S. Gerson, Judge
Employees' Compensation Appeals Board

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

James A. Haynes, Alternate Judge
Employees' Compensation Appeals Board

¹⁰ The Board notes that the record contains additional medical evidence which was received after the Office's March 27, 2006 decision. However, as the evidence was not before the Office at the time of the issuance of its decision, such evidence cannot be considered by the Board, as its jurisdiction is limited to evidence that was before the Office at the time of its final decision. 20 C.F.R. § 501.2(c). Appellant may submit this evidence and any other evidence he may have to the Office together with a formal request for reconsideration pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. § 10.606(b).