

In support of his claim, appellant submitted a May 10, 2006 x-ray report from Dr. Mae T. Morgan, a Board-certified radiologist. It revealed arthritic changes to the right shoulder.

By letter dated May 26, 2006, the Office advised appellant of the factual and medical evidence needed to establish his claim. It requested that he submit a physician's reasoned opinion addressing the relationship of his claimed right shoulder condition and specific employment factors. In a letter of the same date, the Office requested that the employing establishment provide comments from a knowledgeable supervisor on the accuracy of statements provided on the Form CA-2 as well as a copy of appellant's position description and physical requirements. No additional evidence was received.

In a decision dated July 19, 2006, the Office denied appellant's claim as the evidence was not sufficient to establish that the work activities occurred as alleged. The Office further noted that there was no medical evidence which provided a diagnoses which could be connected to the claimed events.

LEGAL PRECEDENT

An employee seeking benefits under the Act 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 Act, that the 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. These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.¹

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (1) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; (2) factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or 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 is generally rationalized medical opinion 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 the claimant'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 the claimant.²

¹ Gary J. Watling, 52 ECAB 357 (2001).

² Solomon Polen, 51 ECAB 341 (2000).

ANALYSIS

The Office denied appellant's claim on the grounds that he failed to establish that the events occurred as alleged. It is not disputed that appellant's duties as a mail handler involved pushing heavy rolling equipment and processing bundles of mail, which involved the use of his right shoulder. John R. Harris, Jr., appellant's supervisor, did not dispute appellant's work duties or that appellant was performing his work duties on or about May 9, 2006, rather he noted on the CA-2 form that appellant returned to work and was restricted to lifting, pulling and pushing no more than 20 pounds. On May 26, 2006 the Office requested that the employing establishment provide comments from a knowledgeable supervisor on the accuracy of statements provided on the CA-2 form; however, no additional evidence was submitted. The Board finds that, the evidence is undisputed that appellant performed his work duties as a mail handler, which included performing some repetitive activities using his right shoulder.

The Board finds, however, that appellant failed to submit any medical evidence to establish that he developed a right shoulder condition causally related to his employment duties. On May 26, 2006 the Office advised appellant of the type of medical evidence needed to establish his claim. Appellant did not submit a medical report from an attending physician addressing how specific employment factors may have caused or aggravated his claimed condition. The only medical evidence submitted by appellant was an x-ray report of the right shoulder, which revealed arthritic changes. As a diagnostic report it did not address the employment factors believed to have caused or contributed to appellant's condition.³ Additionally, the report did not provide any rationalized opinion regarding the causal relationship between appellant's condition and the factors of employment believed to have caused or contributed to such condition.⁴ Therefore, this report is insufficient to meet appellant's burden of proof. The record contains no other medical evidence. Appellant did not submit reasoned medical evidence explaining how or why his right shoulder condition is employment related. He has not met his burden of proof.

An award of compensation may not be based on surmise, conjecture or speculation. Neither the fact that appellant's condition became apparent during a period of employment nor the belief that his condition was caused, precipitated or aggravated by his employment is sufficient to establish causal relationship.⁵ Causal relationships must be established by rationalized medical opinion evidence. Appellant failed to submit such evidence and the Office, therefore, properly denied appellant's claim for compensation.

³ *Frank Luis Rembisz*, 52 ECAB 147 (2000) (medical opinions based on an incomplete history have little probative value).

⁴ *See Jimmie H. Duckett*, 52 ECAB 332 (2001); *Franklin D. Haislah*, 52 ECAB 457 (2001) (medical reports not containing rationale on causal relationship are entitled to little probative value).

⁵ *See Dennis M. Mascarenas*, 49 ECAB 215 (1997).

CONCLUSION

The Board, therefore, finds that appellant failed to establish that he developed an employment-related injury in the performance of duty.⁶

ORDER

IT IS HEREBY ORDERED THAT the July 19, 2006 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: March 20, 2007
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

⁶ See *Calvin E. King*, 51 ECAB 394 (2000).