

a magnetic resonance imaging (MRI) scan. Dr. Irvine diagnosed left shoulder impingement syndrome with rotator cuff tear and right shoulder rotator cuff tendinitis. He advised that, while her work was sedentary, she performed repetitive overhead work with binders which “definitely could be contributing to her problems.”

By letter dated March 26, 2007, the Office informed appellant of the evidence needed to establish her claim. On April 10, 2007 Dr. Irvine reiterated his diagnoses and conclusions.¹ In an April 20, 2007 letter, appellant stated that placing reference materials in binders was critical to performing her job and that she did not move them down from an overhead position until November 2006.

By decision dated May 1, 2007, the Office denied appellant’s claim, found that the evidence was insufficient to establish that the events occurred as alleged and that the medical evidence did not provide a definite opinion regarding the cause of her diagnosed shoulder condition.

On May 30, 2007 appellant requested a hearing. In a May 22, 2007 report, Dr. Irvine noted that he was treating her for bilateral shoulder problems. He stated that, beginning in October 2000, her job required her to lift notebooks weighing approximately five pounds from overhead and that her work led to her current complaints.

At the hearing held on October 11, 2007, appellant testified that she was still working and described her job duties. In order to improve her error rate, beginning in October 2000 for about two hours daily, she had to reach above her head to retrieve reference binders, for daily reference.

In a January 4, 2008 decision, an Office hearing representative modified the prior decision to accept that appellant performed overhead lifting in her job. However, the medical evidence was insufficient to establish that her bilateral shoulder conditions were causally related to her federal employment.²

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees’ Compensation Act³ 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 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. Regardless of whether

¹ The record includes an October 9, 2006 MRI scan of the left shoulder that demonstrated a partial thickness tear, and a December 8, 2006 right shoulder MRI scan that was negative for a rotator cuff tear.

² The Board notes that the case caption of the January 4, 2008 decision contains incorrect information about appellant’s employer and hearing information.

³ 5 U.S.C. §§ 8101-8193.

the asserted claim involves traumatic injury or occupational disease, an employee must satisfy this burden of proof.⁴

Office regulations define the term “occupational disease or illness” as a condition produced by the work environment over a period longer than a single workday or shift.⁵ 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) a 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 diagnosed condition is causally related to the employment factors identified by the claimant. The medical opinion 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.⁶

Causal relationship is a medical issue, and the medical evidence required to establish a causal relationship is rationalized medical evidence.⁷ Rationalized medical evidence is medical evidence which includes a physician’s rationalized medical 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.⁸ Neither the mere fact that a disease or condition manifests itself during a period of employment nor the belief that the disease or condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.⁹

ANALYSIS

The Board finds that appellant did not establish that her bilateral shoulder condition was caused by or contributed to employment factors. The record establishes that appellant reached for binders that she kept overhead and placed these at desk level. The Board, finds however, that the medical evidence of record lacks sufficient rationale to explain how her work caused or aggravated her bilateral shoulder conditions. On August 3, 2006 Dr. Irvine diagnosed left shoulder impingement syndrome with rotator cuff tear and right shoulder rotator cuff tendinitis. As a history noted that appellant did “a lot” of overhead work which could be contributing to her condition. The Board notes that Dr. Irvine’s opinion on casual relation is speculation in nature.

⁴ *Gary J. Watling*, 52 ECAB 278 (2001).

⁵ 20 C.F.R. § 10.5(ee).

⁶ *Solomon Polen*, 51 ECAB 341 (2000).

⁷ *Jacqueline M. Nixon-Steward*, 52 ECAB 140 (2000).

⁸ *Id.*

⁹ *Dennis M. Mascarenas*, 49 ECAB 215 (1997).

Although, he subsequently provided a more detailed description of her overhead work, the physician failed to elaborate on how lifting binders caused or contributed to her diagnosed condition.

To be considered rationalized medical evidence, a physician's opinion 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.¹⁰ Dr. Irvine's opinion on casual relationship is of diminished probative value and insufficient to establish that appellant's bilateral shoulder conditions were caused by her employment factors.¹¹

CONCLUSION

The Board finds that appellant did not meet her burden of proof to establish that her bilateral shoulder conditions were caused by employment factors.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated January 4, 2008 is affirmed.

Issued: November 12, 2008

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 *E.A.*, 58 ECAB ____ (Docket No. 07-1145, issued September 7, 2007).

¹¹ *Id.*