

FACTUAL HISTORY

On March 21, 2011 appellant, then a 51-year-old city carrier, filed an occupational disease claim alleging that he sustained constant pain in his left shoulder due to heavy lifting, driving his vehicle and casing mail. He noted that he had a previous injury to his right shoulder and a permanent insufficiency giving almost the entire burden to the left shoulder.² Appellant indicated that he first became aware of the injury and its relation to his work on March 21, 2011. He did not stop work.

By letter dated April 5, 2011, OWCP 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 within which to submit the requested information.

By decision dated May 13, 2011, OWCP denied appellant's claim. It found that the evidence supported that the claimed events occurred; however, he failed to submit the necessary medical evidence in support of his claim. OWCP noted that no medical evidence was submitted.

LEGAL PRECEDENT

An employee seeking benefits under FECA 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 FECA, that the claim was timely filed within the applicable time limitation period of FECA, 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.³ 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.⁴

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 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, generally, is 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

² The record indicates that appellant had a prior claim No. xxxxxx909 for an August 24, 2007 injury which was accepted for insect bite of the right shoulder and upper arm, sprain of the right shoulder and upper arm, acromioclavicular on the right. Appellant was working in a light-duty status which limited the use of his right arm. This other claim is not presently before the Board.

³ *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

⁴ *Victor J. Woodhams*, 41 ECAB 345 (1989).

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.⁵

ANALYSIS

OWCP found that appellant had established that he performed the duties of casing, lifting mail, delivering mail and driving a vehicle. However, appellant did not submit any medical evidence to establish that he sustained a left shoulder condition that was caused or aggravated by any factors of his federal employment.

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.⁶ Neither the fact that the condition became apparent during a period of employment nor the belief that the condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.⁷ Causal relationship must be substantiated by reasoned medical opinion evidence, which is appellant's responsibility to submit.

As there is no medical evidence explaining how appellant's employment duties caused or aggravated a diagnosed left shoulder condition, appellant has not met his burden of proof in establishing that he sustained a medical condition in the performance of duty causally related to factors of employment.

On appeal, appellant noted that he was seeking treatment with his own personal physician and his treatment was still in progress. As noted above, no medical evidence has been submitted to establish that work duties caused or aggravated a diagnosed medical condition. Appellant may submit new evidence or argument with a written request for reconsideration to OWCP within one year of this merit decision, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. §§ 10.605 through 10.607.

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.

⁵ *Id.*

⁶ *See Joe T. Williams*, 44 ECAB 518, 521 (1993).

⁷ *Id.*

ORDER

IT IS HEREBY ORDERED THAT the May 13, 2011 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: May 9, 2012
Washington, DC

Richard J. Daschbach, Chief Judge
Employees' Compensation Appeals Board

Alec J. Koromilas, Judge
Employees' Compensation Appeals Board

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