

FACTUAL HISTORY

On December 18, 2013 appellant, a 49-year-old store worker, filed an occupational disease claim alleging that she sustained an injury to her shoulders, neck, and back as a result of lifting, pushing, bending, and moving side to side at work.

Dr. Michael D. Brewer, appellant's attending physician, Board-certified in family medicine, offered several notes explaining that he was treating appellant for various pains: lower back pain due to arthritis, neck, and shoulder, and back pain. He advised that she was undergoing physical therapy and would require some physical restrictions in order for her treatment to progress properly.

In a decision dated June 18, 2014, OWCP denied appellant's injury claim. It accepted that the work events occurred as alleged, but it found that the medical evidence was not sufficient to establish that the work events caused a diagnosed medical condition.

LEGAL PRECEDENT

FECA provides compensation for the disability of an employee resulting from personal injury sustained while in the performance of duty.³ An employee seeking benefits under FECA has the burden of proof to establish the essential elements of his or her claim. When an employee claims that he or she sustained an injury in the performance of duty, he or she must submit sufficient evidence to establish that he or she experienced a specific event, incident or exposure occurring at the time, place, and in the manner alleged. He or she must also establish that such event, incident or exposure caused an injury.⁴

Causal relationship is a medical issue,⁵ and the medical evidence generally required to establish causal relationship is rationalized medical opinion evidence. The opinion of the physician must be based on a complete factual and medical background of the claimant,⁶ must be one of reasonable medical certainty,⁷ and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the established incident or factor of employment.⁸

ANALYSIS

Appellant attributes her shoulder, neck, and back conditions to the physical demands of her job as a store worker. There is no dispute that she lifted, pushed, bent, and moved side to

³ 5 U.S.C. § 8102(a).

⁴ *John J. Carlone*, 41 ECAB 354 (1989).

⁵ *Mary J. Briggs*, 37 ECAB 578 (1986).

⁶ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁷ *Morris Scanlon*, 11 ECAB 384, 385 (1960).

⁸ *William E. Enright*, 31 ECAB 426, 430 (1980).

side in the course of her employment. OWCP accepted that such events occurred as alleged. The question is whether these physical activities caused any injury.

Dr. Brewer, the attending family physician, never addressed this issue. In the absence of a well-reasoned medical opinion addressing the critical issue of causal relationship, the Board finds that appellant has not met her burden to establish that her duties as a store worker caused an injury. The Board will therefore affirm OWCP's June 18, 2014 decision to deny her occupational disease claim.

The documents appellant resubmitted on appeal do not show a physician's well-reasoned opinion on causal relationship. This is the reason OWCP denied her claim. As noted earlier, the Board is precluded from reviewing the new evidence for the first time on appeal.⁹

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 her burden to establish that her duties as a store worker caused an injury.

⁹ See *supra* note 2.

ORDER

IT IS HEREBY ORDERED THAT the June 18, 2014 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: February 27, 2015
Washington, DC

Christopher J. Godfrey, Chief Judge
Employees' Compensation Appeals Board

Patricia Howard Fitzgerald, Judge
Employees' Compensation Appeals Board

Alec J. Koromilas, Alternate Judge
Employees' Compensation Appeals Board