

**United States Department of Labor  
Employees' Compensation Appeals Board**

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A.D., Appellant )

and )

U.S. POSTAL SERVICE, POST OFFICE, )  
Bridgeport, CT, Employer )

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**Docket No. 15-1326  
Issued: November 9, 2015**

*Appearances:*  
*Appellant, pro se*  
*Office of Solicitor, for the Director*

*Case Submitted on the Record*

**DECISION AND ORDER**

Before:

PATRICIA H. FITZGERALD, Deputy Chief Judge  
COLLEEN DUFFY KIKO, Judge  
ALEC J. KOROMILAS, Alternate Judge

**JURISDICTION**

On May 27, 2015 appellant filed a timely appeal from the May 7, 2015 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act<sup>1</sup> (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

**ISSUE**

The issue is whether appellant met her burden of proof to establish an employment injury on June 19, 2014.

**FACTUAL HISTORY**

On June 19, 2014 appellant, a 35-year-old carrier, filed a traumatic injury claim alleging that she injured her right shoulder in the performance of duty on June 19, 2014 while sitting in her vehicle transferring mail from one arm to the other.

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<sup>1</sup> 5 U.S.C. § 8101 *et seq.*

OWCP requested that appellant submit, among other things, a physician's opinion, supported by a medical explanation, as to how the reported work incident caused or aggravated any diagnosed medical condition. No additional evidence was received.

In a decision dated August 1, 2014, OWCP denied appellant's traumatic injury claim. It found that the June 19, 2014 work incident occurred as alleged, but it denied her claim as she had failed to submit any medical evidence containing a diagnosis from a physician in connection with the incident.

Appellant submitted an August 12, 2014 report from Dr. Andrew B. Killen, a Board-certified family physician. Dr. Killen noted the history of the present illness, and provided findings on examination. He noted that appellant presented with sharp and throbbing right shoulder pain radiating to the fingers. Dr. Killen added that, while appellant delivered mail, she felt a pop and pain in the right shoulder on June 19, 2014. Appellant had ongoing pain causing numbness and a tingling sensation. Dr. Killen diagnosed right shoulder strain and noted the cause as lifting/transferring motion.

In a decision dated May 7, 2015, an OWCP hearing representative affirmed the denial of appellant's traumatic injury claim.

On appeal, appellant explains that when she first went to the doctor, she explained to him exactly what happened and the reason for the injury. "I'm not sure if he noted everything but I did explain everything to him."

### **LEGAL PRECEDENT**

FECA provides compensation for the disability of an employee resulting from personal injury sustained while in the performance of duty.<sup>2</sup> 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.<sup>3</sup>

Causal relationship is a medical issue,<sup>4</sup> 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,<sup>5</sup> must be one of reasonable medical certainty,<sup>6</sup> and must be supported by medical rationale explaining the

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<sup>2</sup> 5 U.S.C. § 8102(a).

<sup>3</sup> *John J. Carlone*, 41 ECAB 354 (1989).

<sup>4</sup> *Mary J. Briggs*, 37 ECAB 578 (1986).

<sup>5</sup> *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

<sup>6</sup> *See Morris Scanlon*, 11 ECAB 384, 385 (1960).

nature of the relationship between the diagnosed condition and the established incident or factor of employment.<sup>7</sup>

### **ANALYSIS**

OWCP accepted that the June 19, 2014 work incident occurred as alleged. Appellant has therefore met her burden to establish that she experienced a specific event, incident or exposure occurring at the time, place, and in the manner alleged. The question that remains is whether this incident caused an injury.

The August 12, 2014 treatment note from Dr. Killen, the family physician, is the only relevant medical evidence submitted in this case. Dr. Killen described the history that appellant provided and her complaints of pain. He described his findings on physical examination and diagnosed a right shoulder strain. Dr. Killen did not mention how the June 19, 2014 work incident caused the diagnosed condition. The only connection between the June 19, 2014 work incident and appellant's right shoulder condition came from appellant in her description of the history of present illness. Dr. Killen did not offer his reasoned medical opinion on the matter.

In the absence of a soundly reasoned medical opinion explaining how the specific physical activity that appellant performed on June 19, 2014 caused the diagnosed right shoulder strain, the Board finds that appellant has not met her burden to establish the critical element of causal relationship.<sup>8</sup> Accordingly, the Board will affirm OWCP's May 7, 2015 decision.

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 the June 19, 2014 work incident caused an injury.

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<sup>7</sup> See *William E. Enright*, 31 ECAB 426, 430 (1980).

<sup>8</sup> *Supra* note 5.

**ORDER**

**IT IS HEREBY ORDERED THAT** the May 7, 2014 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: November 9, 2015  
Washington, DC

Patricia H. Fitzgerald, Deputy Chief Judge  
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board

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