

FACTUAL HISTORY

On April 15, 2016 appellant, then a 56-year-old rural mail carrier, filed an occupational disease claim (Form CA-2) alleging that on September 1, 2015 he first became aware of his severe left shoulder pain and first realized that his condition was caused by employment duties, including casing mail. The employing establishment advised that he stopped work on April 15, 2016.

Appellant submitted position descriptions of a regular rural carrier, rural carrier associate, and temporary rural carrier.

By letter dated April 27, 2016, OWCP advised appellant of the deficiencies of his claim and afforded him 30 days to submit additional evidence and respond to its inquiries. It also requested that the employing establishment respond to appellant's allegations and submit evidence regarding his work duties and medical evidence, if he had been treated at its medical facility.

Appellant submitted a duplicate copy of his Form CA-2 dated April 15, 2016 and copies of traumatic injury claims (Form CA-1) dated December 15, 2015 and April 11, 2016 regarding a left arm injury. He also submitted employing establishment accident reports dated August 20 and December 15, 2015 and April 11, 2016 regarding his claimed left shoulder injury.

In a December 15, 2015 narrative statement, appellant claimed that when he lifted a heavy box from the bottom of a hamper, that day he felt a sharp pain and pull in his left shoulder. He continued to work for about 45 minutes, but his pain worsened. Appellant reported his injury and sought medical treatment.

The employing establishment controverted appellant's claim in letters dated August 20, 2015 and May 12, 2016. It noted that OWCP had denied his prior claims for a left shoulder injury. The employing establishment also noted that appellant was right-handed, therefore, he used his right arm and shoulder to perform his work duties on the street and in the office and his left arm only to pick up small objects or hold small amounts of mail during casing.

In a December 15, 2015 excuse slip, Dr. Song H. Na, a Board-certified internist, advised that appellant was unable to return to work due to injury. He further advised that appellant could return to work on December 17, 2015 with restrictions for seven days.

By decision dated June 22, 2016, OWCP denied appellant's occupational disease claim. It found that he had failed to submit any medical evidence containing a medical diagnosis in connection with the established factors of employment.

LEGAL PRECEDENT

An employee seeking benefits under FECA has the burden of proof to establish 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 filed within the applicable time limitation, that an injury was sustained while 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 on 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 a causal relationship is rationalized medical opinion evidence. The opinion of the physician must be based on a complete factual and medical background of the employee, must be one of reasonable 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 employee.⁵

ANALYSIS

OWCP accepted as factual that appellant performed the work duties of a rural mail carrier, which involved casing mail and heavy lifting. The Board finds, however, that the medical evidence of record is insufficient to establish that he sustained a left shoulder condition caused or aggravated by the accepted work factors.

Dr. Na's December 15, 2015 excuse slip found that appellant was unable to return to work due to injury. He released him to return to work on December 17, 2015 with temporary restrictions. Dr. Na did not provide a firm diagnosis of a particular medical condition,⁶ provide a history of injury,⁷ or offer a specific opinion as to whether the established employment factors caused or aggravated appellant's condition.⁸

Appellant's belief that factors of employment caused or aggravated his condition is insufficient, by itself, to establish causal relationship.⁹ The issue of causal relationship is a

³ C.S., Docket No. 08-1585 (issued March 3, 2009); *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁴ S.P., 59 ECAB 184 (2007); *Victor J. Woodhams*, 41 ECAB 345 (1989); *Joe D. Cameron*, 41 ECAB 153 (1989).

⁵ I.J., 59 ECAB 408 (2008); *Victor J. Woodhams*, *id.*

⁶ See *Deborah L. Beatty*, 54 ECAB 340 (2003) (where the Board found that in the absence of a medical report providing a diagnosed condition and a reasoned opinion on causal relationship with the employment incident, appellant did not meet her burden of proof).

⁷ *Frank Luis Rembisz*, 52 ECAB 147 (2000) (medical opinions based on an incomplete history have little probative value).

⁸ C.B., Docket No. 09-2027 (issued May 12, 2010); *J.F.*, Docket No. 09-1061 (issued November 17, 2009); *A.D.*, 58 ECAB 149 (2006) (medical evidence which does not offer any opinion regarding the cause of an employee's condition is of limited probative value on the issue of causal relationship).

⁹ 20 C.F.R. § 10.115(e); *Phillip L. Barnes*, 55 ECAB 426, 440 (2004).

medical one and must be resolved by probative medical opinion from a physician. The Board finds that there is insufficient medical evidence of record to establish that appellant's left shoulder condition was caused or aggravated by the established employment factors. Appellant, therefore, did not meet his burden of proof.

On appeal, appellant contends that he sustained an employment-related injury. For the reasons set forth above, the Board finds that the weight of the medical evidence does not establish that appellant sustained a left shoulder condition causally related to the accepted employment duties.

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 failed to meet his burden of proof to establish a left shoulder condition causally related to factors of his federal employment.

ORDER

IT IS HEREBY ORDERED THAT the June 22, 2016 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: November 25, 2016
Washington, DC

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

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

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board