

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

J.T., Appellant

and

**U.S. POSTAL SERVICE, HUDSON POST
OFFICE, Modesto, CA, Employer**

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**Docket No. 19-1828
Issued: May 18, 2020**

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

Case Submitted on the Record

DECISION AND ORDER

Before:

ALEC J. KOROMILAS, Chief Judge
CHRISTOPHER J. GODFREY, Deputy Chief Judge
PATRICIA H. FITZGERALD, Alternate Judge

JURISDICTION

On August 30, 2019 appellant filed a timely appeal from an April 16, 2019 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act¹ (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 has met her burden of proof to establish a medical condition causally related to the accepted factors of her federal employment.

FACTUAL HISTORY

On January 3, 2019 appellant, then a 50-year-old letter carrier, filed an occupational disease claim (Form CA-2) alleging that she developed neck, left shoulder, and arm conditions due to factors of her federal employment. She indicated that she first became aware of the

¹ 5 U.S.C. § 8101 *et seq.*

conditions and attributed them to her federal employment on December 17, 2018. On the reverse side of the claim form, the employing establishment controverted the claim, contending that appellant was not in the performance of duty at the time her conditions arose and that she had failed to establish causal relationship. Appellant stopped work on December 18, 2018 and returned to part-time work on January 8, 2019.

A May 29, 2018 magnetic resonance imaging (MRI) scan report regarding appellant's left shoulder demonstrated a laterally down-sloping acromion abutting the bursal margin of the rotator cuff.

In a July 16, 2018 medical note, Dr. Lenita Williamson, a Board-certified orthopedic surgeon, noted appellant's complaints of pain, stiffness, and weakness in the left shoulder and hands. She reviewed a left shoulder MRI scan and x-ray and diagnosed shoulder pin-hole rotator cuff tear with impingement and acromioclavicular arthritis.

On July 30, 2018 Dr. Williamson noted that appellant was feeling better after the administration of a pain injection. She again diagnosed left shoulder pin-hole rotator cuff tear with impingement and acromioclavicular arthritis.

In a December 17, 2018 note, Dr. Williamson reported that appellant was still experiencing pain in the back of the shoulder. She reiterated appellant's previous diagnoses and noted that she had received a pain injection.

On December 19, 2018 Dr. Williamson noted that appellant's pain was worsening following the pain injection. She indicated that appellant could not move her shoulder. Dr. Williamson noted that there was no evidence of infection and diagnosed a complete rupture of the rotator cuff.

In a development letter dated January 22, 2019, OWCP informed appellant that the evidence of record was insufficient to establish her claim. It advised her of the type of factual and medical evidence needed and provided a questionnaire for her completion. OWCP afforded appellant 30 days to submit the necessary evidence.

On January 28, 2019 appellant responded to OWCP's development questionnaire. She noted that she developed an occupational disease as a result of sorting, casing, and delivering mail and packages. Appellant indicated that she sorted and delivered mail approximately six to seven hours per day and cased mail approximately one hour per day.

By decision dated April 16, 2019, OWCP denied appellant's claim finding that the medical evidence of record was insufficient to establish causal relationship between her diagnosed conditions and the accepted factors of her federal employment.

LEGAL PRECEDENT

An employee seeking benefits under FECA² 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 timely filed within the applicable time limitation period of FECA,³ that an injury was sustained in the performance of duty as alleged and that any disability or medical condition for which compensation is claimed is causally related to the employment injury.⁴ 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.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) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; (2) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; and (3) medical evidence establishing that the diagnosed condition is causally related to the identified employment factors.⁶

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.⁷ 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

² *Id.*

³ *E.W.*, Docket No. 19-1393 (issued January 29, 2020); *J.P.*, 59 ECAB 178 (2007); *Joe D. Cameron*, 41 ECAB 153 (1989).

⁴ *L.C.*, Docket No. 19-1301 (issued January 29, 2020); *R.C.*, 59 ECAB 427 (2008); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

⁵ 20 C.F.R. § 10.115; *E.S.*, Docket No. 18-1580 (issued January 23, 2020); *L.M.*, Docket No. 13-1402 (issued February 7, 2014); *Delores C. Ellyett*, 41 ECAB 992 (1990).

⁶ *See T.L.*, Docket No. 18-0778 (issued January 22, 2020); *Roy L. Humphrey*, 57 ECAB 238, 241 (2005); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

⁷ *J.F.*, Docket No. 18-0492 (issued January 16, 2020); *Jacqueline M. Nixon-Steward*, 52 ECAB 140 (2000).

⁸ *A.M.*, Docket No. 18-0562 (issued January 23, 2020); *Leslie C. Moore*, 52 ECAB 132 (2000).

⁹ *E.W.*, *supra* note 3; *Gary L. Fowler*, 45 ECAB 365 (1994).

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish conditions causally related to the accepted factors of her federal employment.

In support of her claim, appellant submitted a series of notes from Dr. Williamson dated July 16 through December 19, 2018. Dr. Williamson initially provided diagnoses of left shoulder pin-hole rotator cuff tear with impingement and acromioclavicular arthritis, and in her December 19, 2018 report she found complete rupture of the rotator cuff. However, she did not provide an opinion on causal relationship as to the diagnosed conditions in any of her medical notes. The Board has held that medical evidence that does not offer an opinion regarding the cause of an employee's condition is of no probative value on the issue of causal relationship.¹⁰ These notes are therefore insufficient to establish appellant's claim.

Appellant also submitted a May 29, 2018 MRI scan report and an x-ray which demonstrated a left shoulder laterally down-sloping acromion abutting the bursal margin of the rotator cuff. The Board has held, however, that diagnostic studies standing alone lack probative value on the issue of causal relationship as they do not address whether the implicated employment factors caused the diagnosed conditions.¹¹ Accordingly, these diagnostic testing reports are insufficient to establish appellant's claim.

As appellant has not submitted rationalized medical evidence explaining a causal relationship between her diagnosed left shoulder conditions and the accepted factors of her federal employment, the Board finds that she has not met her burden of proof.

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 of proof to establish a medical condition causally related to the accepted factors of her federal employment.

¹⁰ *A.M.*, Docket No. 19-1138 (issued February 18, 2020); *L.B.*, Docket No. 18-0533 (issued August 27, 2018).

¹¹ *L.J.*, Docket No. 19-1343 (issued February 26, 2020); *J.S.*, Docket No. 18-0657 (issued February 26, 2020).

ORDER

IT IS HEREBY ORDERED THAT the April 16, 2019 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: May 18, 2020
Washington, DC

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

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

Patricia H. Fitzgerald, Alternate Judge
Employees' Compensation Appeals Board