

FACTUAL HISTORY

On June 25, 2019 appellant, then a 53-year-old rural carrier, filed an occupational disease claim (Form CA-2) alleging that she sustained sharp pain and swelling in her shoulder due to factors of her federal employment, including pulling down mail. She indicated that she first became aware of her condition and its relationship to her federal employment on May 22, 2019. On the reverse side of the claim form, the employing establishment indicated that appellant stopped work on May 22, 2019 and returned to limited-duty work on May 25, 2019. It noted that her current limited-duty restrictions included no reaching above her shoulder and no lifting over 10 pounds.

A May 22, 2019 accident report from appellant's supervisor related that appellant experienced back and shoulder pain while lifting heavy parcels and casing mail.

In a May 23, 2019 work status report, Dr. Kevin C. Loh, an osteopathic physician Board-certified in occupational medicine, noted that appellant was injured on May 22, 2019. He diagnosed a thoracic spine strain, a lumbar muscle strain, and a right shoulder sprain. Dr. Loh stated that appellant should only reach above her right shoulder for up to 25 percent of her shift and should not lift, push, or pull anything weighing over 20 pounds through June 6, 2019. He responded "yes" to a question asking if appellant's diagnoses were the result of an industrial exposure.

In a June 6, 2019 work status report, Dr. Loh repeated appellant's date of injury and his previous diagnoses. He modified her work restrictions relating that she should not reach above her right shoulder or lift, push, or pull anything weighing over 10 pounds through June 20, 2019. Dr. Loh again responded "yes" to a question asking if appellant's diagnoses were the result of an industrial exposure.

In another June 20, 2019 work status report, Dr. Loh repeated appellant's date of injury and indicated that she was diagnosed with a right shoulder sprain and a thoracic spine strain. He related that his work restrictions would be extended through July 11, 2019. Dr. Loh also referred appellant to physical therapy to treat her right shoulder sprain. He related "yes" in response to a question asking if appellant's diagnoses were the result of an industrial exposure.

In a development letter dated July 3, 2019, OWCP advised appellant of the factual and medical deficiencies of her claim. It informed her of the medical evidence necessary to establish her claim and provided a questionnaire for her completion to substantiate the factual portion of her claim. OWCP afforded appellant 30 days to respond.

On July 9, 2019 appellant completed the questionnaire. She indicated that she injured her right shoulder due to her mail carrier position which required repetitive motions. Appellant described her daily work duties which included casing between 1,200 and 3,000 letters, 2 to 8 feet of magazines, and working with parcels. After casing she was required to conduct a "pull down," which she was completing when her shoulder snapped. Appellant related that previously she had injured her right wrist on July 11, 2016.

On August 8, 2019 OWCP denied appellant's occupational disease claim, finding that the evidence of record failed to establish a causal relationship between her diagnosed conditions and the accepted factors of her federal employment.

LEGAL PRECEDENT

An employee seeking benefits under FECA³ 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 of FECA,⁴ 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.⁵ 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.⁶

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit: (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.⁷

Causal relationship is a medical issue, and the medical evidence required to establish causal relationship is rationalized medical evidence.⁸ 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 employee.⁹ 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.¹⁰

³ *Supra* note 1.

⁴ *J.P.*, Docket No. 19-0129 (issued April 26, 2019); *S.B.*, Docket No. 17-1779 (issued February 7, 2018); *Joe D. Cameron*, 41 ECAB 153 (1989).

⁵ *J.M.*, Docket No. 17-0284 (issued February 7, 2018); *R.C.*, 59 ECAB 427 (2008); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

⁶ *R.R.*, Docket No. 19-0048 (issued April 25, 2019); *L.M.*, Docket No. 13-1402 (issued February 7, 2014); *Delores C. Ellyett*, 41 ECAB 992 (1990).

⁷ *M.S.*, Docket No. 18-1554 (issued February 8, 2019); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

⁸ *L.D.*, Docket No. 17-1581 (issued January 23, 2018); *Jacqueline M. Nixon-Steward*, 52 ECAB 140 (2000).

⁹ *L.D.*, *id.*; *see also Leslie C. Moore*, 52 ECAB 132 (2000); *Gary L. Fowler*, 45 ECAB 365 (1994).

¹⁰ *Dennis M. Mascarenas*, 49 ECAB 215 (1997).

ANALYSIS

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.

In support of her claim, appellant submitted work status reports from Dr. Loh dated May 23, June 6, and 20, 2019. In each of these reports, he indicated that appellant was injured on May 22, 2019. In the May 23, and June 6, 2019 reports, Dr. Loh related appellant's diagnoses of right shoulder sprain, thoracic spine strain, and lumbar muscle strain. In his June 20, 2019 report, he noted only right shoulder sprain and thoracic strain. In each of these reports Dr. Loh also provided appellant's work restrictions. In each of these three reports, he responded "yes" to a question asking if appellant's diagnoses were the result of an industrial exposure. The Board has held that a physician's opinion on causal relationship which consists of noting "yes" to a form question, without explanation or rationale, is of diminished probative value and is insufficient to establish a claim.¹¹ In his work status reports, Dr. Loh did not provide a history of injury, or a rationalized opinion regarding causal relationship.¹² A medical opinion should reflect a correct history and offer a medically sound explanation by the physician of how the specific employment factors physiologically caused or aggravated the diagnosed conditions.¹³ For these reasons, the Board finds that Dr. Loh's reports are insufficient to establish appellant's claim.

The Board finds that the record lacks rationalized medical evidence establishing a causal relationship between appellant's diagnosed conditions and the accepted factors of her federal employment. Thus, appellant 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.

¹¹ See *J.R.*, Docket No. 18-1679 (issued May 6, 2019); *M.C.*, Docket No. 18-0361 (issued August 15, 2018); *Calvin E. King, Jr.*, 51 ECAB 394 (2000); see also *Frederick E. Howard, Jr.*, 41 ECAB 843 (1990).

¹² *I.C.*, Docket No. 19-0804 (issued August 23, 2019); *R.C.*, Docket No. 19-0376 (issued July 15, 2019); *C.B.*, Docket No. 18-0071 (issued May 13, 2019).

¹³ *E.D.*, Docket No. 19-0833 (issued October 3, 2019).

ORDER

IT IS HEREBY ORDERED THAT the August 8, 2019 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: March 2, 2020
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board