

FACTUAL HISTORY

On May 11, 2021 appellant, then a 55-year-old rural carrier, filed a traumatic injury claim (Form CA-1) alleging that on April 26, 2021 she injured her right shoulder while in the performance of duty. She alleged that she experienced pain and swelling in the right shoulder, which traveled down her arm, after excessively lifting and twisting her shoulder. Appellant stopped work on April 30, 2021 and returned to limited-duty work on May 7, 2021.

In a statement dated May 3, 2021, appellant indicated that, on April 26, 2021, she noticed pain and swelling in her right shoulder, which she attributed to lifting a heavy volume of packages and mail.

In an undated statement, an employing establishment supervisor, B.R., related that appellant advised him that her shoulder was sore and swollen after working on April 26, 2021.

In an authorization for examination and/or treatment (Form CA-16) dated May 3, 2021, Dr. Lee George Aldrich, a Board-certified family physician, diagnosed appellant with a strain of the right shoulder and cervical radiculopathy. In Part B of the Form-CA-16, attending physician's report, he provided a history of injury as lifting mail, and checked a box marked "Yes" to indicate that her diagnosed conditions were due to the employment activity described. In a duty status report (Form CA-17) of even date, Dr. Aldrich recommended that appellant remain out of work.

In a May 17, 2021 development letter, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence needed to establish her claim. OWCP afforded appellant 30 days to submit the necessary evidence.

OWCP thereafter received a medical report dated May 3, 2021 by Dr. Aldrich, who indicated that appellant related complaints of right shoulder and arm pain, which she attributed to an injury at work. On physical examination, Dr. Aldrich documented pain and limited range of motion in the anterior deltoid, upper trapezius, and scapula, and radiating pain and numbness into her fingers. He diagnosed a strain of the muscles/fascia/tendons at the right shoulder, cervical radiculopathy, and pain in the right shoulder. Reports of x-rays of the right shoulder and cervical spine of even date were negative for any acute abnormalities.

In a questionnaire dated May 4, 2021, B.R. indicated that appellant related that she lifted something on April 26, 2021, felt a twinge in her shoulder, and thought she overworked it.

In a follow-up visit report dated May 10, 2021, Dr. Aldrich continued to note appellant's complaints of right shoulder pain. He performed a physical examination and diagnosed a strain of the muscles/fascia/tendons at the right shoulder and cervical radiculopathy. Dr. Aldrich released appellant to return to light-duty work with no lifting, pushing, or pulling more than two pounds and limited reaching with the right arm.

In a note dated May 17, 2021, Dr. Aldrich updated appellant's lifting capacity to five pounds. On May 24, 2021 he maintained the same restrictions and recommended magnetic resonance imaging (MRI) studies of the cervical spine.

By decision dated June 24, 2021, OWCP denied appellant's traumatic injury claim, finding that the evidence of record was insufficient to establish a medical condition causally related to the accepted April 26, 2021 employment incident.

LEGAL PRECEDENT

An employee seeking benefits under FECA³ has the burden of proof to establish the essential elements of his or her claim, including 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 determine whether a federal employee has sustained a traumatic injury in the performance of duty, it first must be determined whether fact of injury has been established. There are two components involved in establishing fact of injury. The first component is that the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time and place, and in the manner alleged. The second component is whether the employment incident caused a personal injury and can be established only by medical evidence.⁷

The medical evidence required to establish causal relationship between a claimed specific condition and an employment incident is rationalized medical opinion evidence.⁸ A physician's opinion on whether there is causal relationship between the diagnosed condition and the implicated employment incident must be based on a complete factual and medical background.⁹ Additionally, the physician's opinion must be expressed in terms of a reasonable degree of medical certainty,

³ *Id.*

⁴ *F.H.*, Docket No. 18-0869 (issued January 29, 2020); *J.P.*, Docket No. 19-0129 (issued April 26, 2019); *Joe D. Cameron*, 41 ECAB 153 (1989).

⁵ *L.C.*, Docket No. 19-1301 (issued January 29, 2020); *J.H.*, Docket No. 18-1637 (issued January 29, 2020); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

⁶ *P.A.*, Docket No. 18-0559 (issued January 29, 2020); *K.M.*, Docket No. 15-1660 (issued September 16, 2016); *Delores C. Ellyett*, 41 ECAB 992 (1990).

⁷ *T.H.*, Docket No. 19-0599 (issued January 28, 2020); *K.L.*, Docket No. 18-1029 (issued January 9, 2019); *John J. Carlone*, 41 ECAB 354 (1989).

⁸ *S.S.*, Docket No. 19-0688 (issued January 24, 2020); *A.M.*, Docket No. 18-1748 (issued April 24, 2019); *Robert G. Morris*, 48 ECAB 238 (1996).

⁹ *C.F.*, Docket No. 18-0791 (issued February 26, 2019); *Jacqueline M. Nixon-Steward*, 52 ECAB 140 (2000).

and must be supported by medical rationale, explaining the nature of the relationship between the diagnosed condition and appellant's specific employment incident.¹⁰

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish a medical condition causally related to the accepted April 26, 2021 employment incident.

Dr. Aldrich, in a May 3, 2021 Form CA-16, diagnosed appellant with a strain of the shoulder and cervical radiculopathy and checked a box marked "Yes" to indicate that the conditions were due to lifting mail. However, he failed to explain, with adequate rationale, how the accepted employment incident either caused or contributed to her diagnosed conditions. The Board has held that an opinion on causal relationship with an affirmative check mark, without more by the way of medical rationale, is insufficient to establish the claim.¹¹ Thus, the Board finds that the May 3, 2021 Form CA-16 by Dr. Aldrich is insufficient to establish causal relationship.

In his May 3 and 10, 2021 medical reports and a May 24, 2021 work status note, Dr. Aldrich diagnosed a right shoulder strain and cervical radiculopathy. However, the reports do not contain an opinion on causation. 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.¹² Therefore, Dr. Aldrich's May 3, 10, and 24, 2021 reports are also insufficient to establish appellant's claim.

The remaining evidence of record consists of reports of x-rays of the cervical spine and right shoulder. The Board has held that diagnostic studies, standing alone, lack probative value and are insufficient to establish the claim.¹³ Consequently, this additional evidence is insufficient to meet appellant's burden of proof.

As the medical evidence of record is insufficient to establish causal relationship between a medical condition and the accepted April 26, 2021 employment incident, 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.

¹⁰ *Id.*

¹¹ *See D.S.*, Docket No. 21-0037 (issued May 27, 2021); *Richard G. Chasse*, Docket No. 99-1574 (issued June 27, 2000); *Lillian M. Jones*, 34 ECAB 379 (1982).

¹² *See L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

¹³ *J.K.*, Docket No. 20-0591 (issued August 12, 2020); *A.B.*, Docket No. 17-0301 (issued May 19, 2017).

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish a medical condition causally related to the accepted April 26, 2021 employment incident.¹⁴

ORDER

IT IS HEREBY ORDERED THAT the June 24, 2021 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: March 29, 2023
Washington, DC

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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

James D. McGinley, Alternate Judge
Employees' Compensation Appeals Board

¹⁴The Board notes that the employing establishment issued a Form CA-16. A completed Form CA-16 authorization may constitute a contract for payment of medical expenses to a medical facility or physician, when properly executed. The form creates a contractual obligation, which does not involve the employee directly, to pay for the cost of the examination or treatment regardless of the action taken on the claim. *See* 20 C.F.R. § 10.300(c); *V.S.*, Docket No. 20-1034 (issued November 25, 2020); *J.G.*, Docket No. 17-1062 (issued February 13, 2018); *Tracy P. Spillane*, 54 ECAB 608 (2003).