

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

T.A., Appellant)	
)	
and)	Docket No. 25-0802
)	Issued: December 11, 2025
U.S. POSTAL SERVICE, KNOXVILLE PROCESSING & DISTRIBUTION CENTER, Knoxville, TN, Employer)	
)	
)	

Appearances:

Alan J. Shapiro, Esq., for the appellant¹
Office of Solicitor, for the Director

Case Submitted on the Record

Before:

PATRICIA H. FITZGERALD, Deputy Chief Judge
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On August 25, 2025 appellant, through counsel, filed a timely appeal from an August 11, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act² (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

¹ In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; *see also* 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

² 5 U.S.C. § 8101 *et seq.*

ISSUE

The issue is whether appellant has met her burden of proof to establish a right shoulder condition causally related to the accepted factors of her federal employment.

FACTUAL HISTORY

On June 13, 2024 appellant, then a 56-year-old parcel post distribution machine handler, filed an occupational disease claim (Form CA-2) alleging that she sustained a moderate rotator cuff tear causally related to factors of her federal employment including scanning and lifting packages, lifting pallets, using a pallet jack to push boxes, lifting sacks of mail, and pushing wires loaded with mail. She noted that she first became aware of her condition on May 13, 2024, and realized its relationship to her federal employment on June 12, 2024. Appellant stopped work on May 14, 2024, and returned to work with restrictions on May 19, 2024.

In a May 17, 2024 report and note, Dr. Matthew A. Rappe, a Board-certified orthopedic surgeon, stated that appellant's right shoulder pain occurred suddenly approximately one week prior. He noted examination findings and provided an assessment of traumatic complete tear of right rotator cuff.

In a report dated June 12, 2024, Dr. Rappe recounted that appellant injured her shoulder at work during the second week of May. He related that appellant's examination was consistent with a torn rotator cuff. Dr. Rappe noted that appellant indicated that her injury occurred at work and he concluded that appellant's condition was work related.

In a development letter dated July 10, 2024, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence necessary to establish her claim and provided a questionnaire for her completion. OWCP afforded 60 days to respond. No additional evidence was received.

In a follow-up letter dated August 2, 2024, OWCP advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish her claim. It noted that she had 60 days from the July 10, 2024 letter to submit the necessary evidence. OWCP further advised that if the evidence was not received during this time, it would issue a decision based on the evidence contained in the record.

A June 1, 2024 magnetic resonance imaging (MRI) scan of appellant's right shoulder revealed high-grade partial thickness tear with probable small full-thickness component terminal articular surface fibers of the supraspinatus tendon with underlying tendinopathy, complex probable degenerative-type tear of the superior labrum, and mild acromioclavicular (AC) joint arthropathy.

In an August 20, 2024 report, Dr. Michael J. Kern, a Board-certified orthopedic surgeon, noted appellant's examination findings, including pain with Neer's and Hawkins testing and subtle weakness with empty can stress testing. Dr. Kern also reviewed appellant's MRI scan and assessed traumatic complete tear of right rotator cuff and superior labrum anterior-to-posterior (SLAP) tear of right shoulder, noting that surgical treatment was scheduled for October 18, 2024.

By decision dated September 17, 2024, OWCP denied appellant's occupational disease claim, finding that the medical evidence of record was insufficient to establish a right shoulder condition causally related to the accepted employment factors.

In a November 12, 2024 report, Dr. Kern related physical examination findings. He continued to diagnose a traumatic complete tear of right rotator cuff with a subsequent assessment of strain of muscle(s) and tendon(s) of the right shoulder rotator cuff. Dr. Kern opined that, based on the medical record, this "is more likely" than not, a clear work injury. He explained that appellant had documented an injury at work the week prior to her mid-May appointment with Dr. Rappe and that she used her arms excessively at work, which included lifting packages, scanning, using a pallet jack, and pushing large rolling crates.

On July 29, 2025 appellant, through counsel, requested reconsideration.

In a report dated July 23, 2025, Dr. Rappe noted examination findings and provided an assessment of right shoulder pain. He stated that he saw appellant one year prior for her shoulder pain and had recommended surgery for a full-thickness tear of her rotator cuff. Dr. Rappe noted that he had previously opined in his June 2024 report that appellant's shoulder injury was work related, as appellant had indicated that she injured her shoulder lifting heavy boxes at work when the machine was down, and that she specifically remembered lifting a battery and developing subsequent discomfort thereafter.

By decision dated August 11, 2025, OWCP denied modification of its prior decision.

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 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

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).

compensation is claimed; and (3) medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the employee.⁷

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.⁸ The opinion of the physician must be based upon a complete factual and medical background, 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.⁹

ANALYSIS

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

In support of her claim, appellant submitted medical reports from Dr. Rappe. In a May 17, 2024 report, Dr. Rappe diagnosed a traumatic complete tear of right rotator cuff, noting that appellant's right shoulder pain occurred suddenly approximately one week prior. However, he did not offer an opinion regarding causal relationship. 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 As such, this report is of no probative value and is insufficient to establish appellant's claim.

In a June 12, 2024 report, Dr. Rappe diagnosed a full-thickness tear of her right rotator cuff and recommended surgical repair. He opined that the injury, which had occurred in the second week of May, was work related as appellant indicated it had occurred while working. In his July 23, 2025 report, Dr. Rappe noted that he had previously opined in his June 2024 report that appellant's shoulder injury was work related, as she had indicated that she had injured her shoulder while lifting heavy boxes at work when the machine was down and specifically remembered lifting a battery and developing subsequent discomfort thereafter. Dr. Rappe, however, did not offer sufficient medical rationale to support his conclusory opinion. The Board has held that medical evidence that does not offer a rationalized explanation regarding how the accepted employment

⁷ *P.L.*, Docket No. 19-1750 (issued March 26, 2020); *R.G.*, Docket No. 19-0233 (issued July 16, 2019); *L.M.*, Docket No. 13-1402 (issued February 7, 2014); *Delores C. Ellyett, id.*

⁸ *I.J.*, Docket No. 19-1343 (issued February 26, 2020); *T.H.*, 59 ECAB 388 (2008); *Robert G. Morris*, 48 ECAB 238 (1996).

⁹ *D.D.*, Docket No. 25-0751 (issued August 27, 2025); *D.C.*, Docket No. 19-1093 (issued June 25, 2020); *see L.B.*, Docket No. 18-0533 (issued August 27, 2018).

¹⁰ *See P.V.*, Docket No. 25-0547 (issued June 23, 2025); *R.J.*, Docket No. 24-0885 (issued September 30, 2024); *G.M.*, Docket No. 24-0388 (issued May 28, 2024); *C.R.*, Docket No. 23-0330 (issued July 28, 2023); *K.K.*, Docket No. 22-0270 (issued February 14, 2023); *S.J.*, Docket No. 19-0696 (issued August 23, 2019); *M.C.*, Docket No. 18-0951 (issued January 7, 2019); *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

factors physiologically caused or contributed to the diagnosed condition(s) is of limited probative value.¹¹ The Board thus finds that this evidence is insufficient to establish appellant's claim.

Dr. Kern, in his August 20, 2024 report, assessed traumatic complete tear of right rotator cuff and SLAP tear of right shoulder for which surgery was indicated and scheduled. However, he did not offer an opinion on causal relationship. As noted, 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 As such, this report is of no probative value and is insufficient to establish appellant's claim.

In his November 12, 2024 report, Dr. Kern diagnosed a traumatic complete tear of right rotator cuff and a strain of muscle(s) and tendon(s) of the right shoulder rotator cuff. He opined that, based on the medical record, this was "more likely" than not, a clear work injury. Dr. Kern, however, failed to provide rationale explaining how appellant's accepted employment factors caused or aggravated her diagnosed right shoulder condition. As explained above, the Board has held that medical evidence that does not offer a rationalized explanation regarding how the accepted employment factors physiologically caused or contributed to the diagnosed condition(s) is of limited probative value.¹³ Dr. Kern's report is insufficient to meet appellant's burden of proof.¹⁴

The remainder of the evidence of record, consists of diagnostic study reports. However, diagnostic studies, standing alone, lack probative value as they do not address whether the accepted employment factors were causally related to the diagnosed condition.¹⁵ Therefore, this evidence is also insufficient to establish the claim.

As the medical evidence of record is insufficient to establish a right shoulder condition causally related to the accepted factors of appellant's 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.

¹¹ See *D.D.*, *supra* note 9; *T.L.*, Docket No. 23-0073 (issued January 9, 2023); *V.D.*, Docket No. 20-0884 (issued February 12, 2021); *Y.D.*, Docket No. 16-1896 (issued February 10, 2017).

¹² See *supra* note 10.

¹³ See *M.S.*, Docket No. 25-0058 (issued December 6, 2024); *T.W.*, Docket No. 20-0767 (issued on January 13, 2021); *L.R.*, Docket No. 16-0736 (issued September 2, 2016).

¹⁴ *M.S.*, *id.*; see *C.B.*, Docket No. 20-0464 (issued July 21, 2020).

¹⁵ *C.T.*, Docket No. 25-0384 (issued May 5, 2025); *A.D.*, Docket No. 25-0296 (issued March 26, 2025); *S.R.*, Docket No. 24-0540 (issued August 2, 2024); *K.A.*, Docket No. 23-613 (issued April 22, 2024); *W.L.*, Docket No. 20-1589 (issued August 26, 2021); *A.P.*, Docket No. 18-1690 (issued December 12, 2019).

CONCLUSION

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

ORDER

IT IS HEREBY ORDERED THAT the August 11, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: December 11, 2025
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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