

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CURTIS C. BOMAR and U.S. POSTAL SERVICE,
DOWNTOWN ANNEX, Baltimore, MD

*Docket No. 02-42; Submitted on the Record;
Issued April 9, 2002*

DECISION and ORDER

Before ALEC J. KOROMILAS, DAVID S. GERSON,
MICHAEL E. GROOM

The issue is whether appellant has met his burden of proof to establish that he developed an occupational disease due to factors of his federal employment.

Appellant, a 53-year-old letter carrier, filed a notice of occupational disease on March 22, 2001 alleging that he developed left shoulder and arm pain due to carrying his mailbag in the performance of duty. By letter dated April 12, 2001, the Office of Workers' Compensation Programs requested additional evidence. By decision dated June 13, 2001, the Office denied appellant's claim finding that he failed to submit sufficient medical evidence to establish that he sustained an injury as alleged.

The Board finds that appellant has failed to meet his burden of proof in establishing that he developed an occupational disease due to factors of his federal employment.

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 evidence required to establish causal relationship is rationalized medical opinion evidence, based upon a complete factual and medical background, showing a causal relationship between the claimed condition and identified factors. The belief of a claimant that a condition was caused or aggravated by the employment is not sufficient to establish causal relation.¹

¹ *Lourdes Harris*, 45 ECAB 545, 547 (1994).

In this case, the Office accepted that appellant was required to carry a mailbag in the performance of his federal duties. However, the Office found that appellant did not submit sufficient medical evidence to meet his burden of proof. In support of his claim, appellant submitted several notes signed by a physical therapist. As noted by the Office, a physical therapist is not a physician for the purposes of the Federal Employees' Compensation Act and his reports do not constitute medical opinion evidence.²

Appellant also submitted several reports and notes from Dr. William J. Launder, a Board-certified orthopedic surgeon. In a report dated March 23, 2001, Dr. Launder noted that appellant developed left shoulder pain on March 21, 2001 and that appellant carried a shoulder bag on his left shoulder for many years. He diagnosed chronic contusion of the left trapezius. This report is not sufficient to meet appellant's burden of proof as Dr. Launder did not provide an opinion that appellant's shoulder condition was due to the accepted employment factor. On April 6, 2001 Dr. Launder noted that appellant was experiencing neck pain. He stated on physical examination that appellant had a line of discoloration of his left trapezius, which was the width of a mailbag strap. Dr. Launder stated that this area was tender and that cervical motion was reduced. He diagnosed chronic cervical strain. Again Dr. Launder failed to offer any opinion that appellant's cervical strain was related to his employment duties and furthermore did not explain the change in diagnoses.

In a report dated April 20, 2001, Dr. Launder found that appellant was free of symptoms and diagnosed resolved cervicothoracic strain. On May 4, 2001 Dr. Launder stated that appellant was having recurrent pain if he slept on his symptomatic left side. He diagnosed chronic trapezial strain and contusion. These reports are not sufficient to meet appellant's burden of proof as Dr. Launder did not provide a clear opinion on the causal relationship between appellant's condition and his accepted employment activity. Furthermore, Dr. Launder did not provide any medical rationale explaining why and how appellant's employment duties caused or contributed to his various diagnosed conditions.

As appellant has failed to submit the necessary rationalized medical opinion evidence to establish a causal relationship between his diagnosed conditions and his accepted employment injuries he has failed to meet his burden of proof and the Office properly denied his claim.

² 5 U.S.C. § 8101(2); *see Thomas R. Horsfall*, 48 ECAB 180 (1996).

The June 13, 2001 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
April 9, 2002

Alec J. Koromilas
Member

David S. Gerson
Alternate Member

Michael E. Groom
Alternate Member