

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of LUBY A. JACKSON, JR. and U.S. POSTAL SERVICE,
POST OFFICE, Goldsboro, NC

*Docket No. 99-86; Submitted on the Record;
Issued March 2, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
WILLIE T.C. THOMAS

The issue is whether appellant met his burden of proof in establishing that he sustained a right shoulder injury in the performance of duty.

The Board has duly reviewed the case record in the present appeal and finds that the Office of Workers' Compensation Programs properly determined, in its August 28, 1998 decision, that appellant provided insufficient medical evidence and failed to establish that he sustained an injury as alleged.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing 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 the Act, that the claim was timely filed within the applicable time limitation period of the Act, that an injury was sustained in the performance of duty as alleged and that any disability and/or specific condition for which compensation is claimed are causally related to the employment injury.² These are essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.³

There is no dispute that appellant is a federal employee, that he timely filed his claim for compensation benefits, and that the workplace incidents or exposures occurred as alleged. However, the medical evidence is insufficient to establish that appellant sustained an injury in the

¹ 5 U.S.C. §§ 8101-8193.

² *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

³ *Victor J. Woodhams*, 41 ECAB 345 (1989).

performance of duty.⁴ The Office, on June 23, 1998, requested that appellant submit a reasoned medical opinion addressing how employment factors caused appellant's condition. The only medical evidence of record are the May 13 and May 24, 1998 reports of Dr. John T. Tommy Newton, a family practitioner. While these reports diagnose right rotator cuff syndrome and note appellant's duty status and work restrictions, these reports do not specifically address whether particular employment factors may have caused or aggravated appellant's condition. Dr. Newton checked a box "yes" on a May 13, 1998 duty status report to indicate that the history of injury provided by appellant was consistent with an occupational illness. However, the Board has held that an opinion on causal relationship which consists only of a physician checking "yes" on a medical form report without further explanation or rationale is of little probative value.⁵ For appellant to establish his claim, it is essential that he submit medical evidence explaining how and why specific employment activities caused or aggravated his claimed condition. As such medical evidence was not submitted, appellant has not met his burden of proof in establishing that his right shoulder condition was caused or aggravated by employment factors.⁶

The August 28, 1998 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, D.C.
March 2, 2000

Michael J. Walsh
Chairman

George E. Rivers
Member

Willie T.C. Thomas
Alternate Member

⁴ Part of a claimant's burden of proof includes the submission of rationalized medical evidence based upon a complete factual and medical background showing causal relationship between the claimed injury and employment factors; *see Mary J. Briggs*, 37 ECAB 578 (1986); *Joseph T. Gulla*, 36 ECAB 516 (1985).

⁵ *Alberta S. Williamson*, 47 ECAB 569 (1996).

⁶ Following the Office's August 28, 1998 decision, and on appeal, appellant submitted new evidence. However, the Board may not consider new evidence for the first time on appeal; *see* 20 C.F.R. § 501.2(c).