

arm. He noted that he first became aware of his condition on March 18, 2018 and realized its relation to his federal employment on February 8, 2021. Appellant stopped work on September 17, 2018.

By letter dated February 18, 2021, the employing establishment controverted appellant's claim, contending that it was unclear whether his condition occurred during the course of his employment or whether it was caused by degenerative changes due to the aging process. The employing establishment also noted that appellant had been off work since October 20, 2018 due to a different condition.

In a development letter dated March 5, 2021, OWCP informed appellant that additional factual and medical evidence was needed to establish his claim. It advised appellant of the type of factual and medical evidence needed and provided a questionnaire for appellant's completion. OWCP afforded appellant 30 days to submit the necessary evidence.

In a March 10, 2021 response to OWCP's development questionnaire, appellant explained that as a city letter carrier, he delivered mail from the driver's-side window of his vehicle. This required that he frequently turn his neck to look out the window and service mailboxes. Appellant noted that this activity caused his neck to make popping sounds. He also attested that his left arm became weak and he developed a shooting pain which radiated from his neck down his left arm.

OWCP received a medical report dated February 8, 2021 from Dr. Christopher R. Mann, an osteopathic physician specializing in occupational medicine and sports medicine. Dr. Mann related that appellant sustained an onset of recurrent cervical muscle spasms on March 18, 2018 when he was performing his work duties. He opined that appellant's employment factors of repetitively reaching back and or up and over shoulder level with constant turning of the neck with looking up most of the time, had within a reasonable medical certainty caused the injuries to appellant's neck and left shoulder. Dr. Mann diagnosed cervical disc disorder at C4-5 with radiculopathy, cervical disc disorder at C5-6 with radiculopathy, cervical spondylosis with myelopathy, sprain of left rotator cuff, and left wrist sprain.

Appellant submitted a magnetic resonance imaging (MRI) scan report dated February 22, 2021 from Dr. Sreechandra Donepudi, a Board-certified diagnostic radiologist, which related that appellant suffered from left-sided neck and arm pain with weakness for the last two years. Appellant's assessment was listed as moderate-to-severe spondylosis from C3-4 through C6-7, with flattening of the spinal cord at C4-5 and C5-6; and foraminal narrowing worse on the right at C3-4 and worse on the left at C6-7.

By decision dated May 13, 2021, OWCP accepted that the employment factors occurred as alleged, and that a medical condition had been diagnosed, but denied appellant's claim finding that the medical evidence of record was insufficient to establish a diagnosed medical condition casually related to the accepted employment factors. It concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

On August 23, 2021 appellant requested reconsideration of OWCP's May 13, 2021 decision.

In support thereof, appellant submitted a July 26, 2021 report from Dr. Mann, which detailed his disagreement with the May 13, 2021 decision. Dr. Mann contended that he had described in detail appellant's regular limited-duty job; that despite only being on his feet for four hours per day, appellant was working an alternating driving/walking route for six to seven hours, during which he was performing very repetitious activities with his upper extremities. He clarified that the stress factors in particular that would contribute to cervical radiculopathy are driving the long life vehicle (LLV) to deliver the mail where he physically would be driving to deliver the mail, constantly turning his neck and body to his left to pull mail out of the vehicle, and then turning to the right to place the mail in the boxes. Dr. Mann also noted that appellant's workday began by casing mail, so before his route even began he had already reached, grasped, and lifted numerous times. He explained that "casing" involves high-repetition activities such as sorting and placing the mail so that he is reaching at or above shoulder level. Therefore, "even at light duty he is performing hundreds of physical moves a day in the six to seven hours he is casing, then delivering mail and it is adversely affecting his spine. Dr. Mann opined that the mechanism of injury is that this high-repetition activity affected the cervical capsular ligaments. He explained that the cervical capsular ligaments are extremely strong and serve as the main stabilizing tissue in the spinal column.

In an attending physician's report (Form CA-20) dated August 24, 2021, Dr. Mann indicated by check mark that he believed appellant's conditions were caused or aggravated by his federal employment activities.

By decision dated September 13, 2021, OWCP denied modification of its May 13, 2021 decision.

LEGAL PRECEDENT

An employee seeking benefits under FECA² 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 period of FECA,³ 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.⁴ 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.⁵

² *Id.*

³ *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).

⁴ *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).

⁵ *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).

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (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.⁶

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.⁷ 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 claimant.⁸ 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, is sufficient to establish causal relationship.⁹

ANALYSIS

The Board finds that this case is not in posture for decision.

On reconsideration, appellant submitted a July 26, 2021 report from Dr. Mann, which detailed his disagreement with the May 13, 2021 decision. Dr. Mann contended that he had described in detail appellant's regular limited-duty job; that despite only being on his feet for four hours per day, appellant was working an alternating driving/walking route for six to seven hours, during which he was performing very repetitious activities with his upper extremities. He clarified that the stress factors in particular that would contribute to cervical radiculopathy are driving the LLV to deliver the mail where he physically would be driving to deliver the mail, constantly turning his neck and body to his left to pull mail out of the vehicle, and then turning to the right to place the mail in the boxes. Dr. Mann also noted that appellant's workday began by casing mail, so before his route even began he had already reached, grasped, and lifted numerous times. He explained that "casing" involves high-repetition activities such as sorting and placing the mail so that he is reaching at or above shoulder level. Therefore, "even at light duty he is performing hundreds of physical moves a day in the six to seven hours he is casing, then delivering mail and it is adversely affecting his spine. Dr. Mann opined that the mechanism of injury is that this high-repetition activity affected the cervical capsular ligaments. He explained that the cervical capsular ligaments are extremely strong and serve as the main stabilizing tissue in the spinal column.

⁶ See *T.L.*, Docket No. 18-0778 (issued January 22, 2020); *Roy L. Humphrey*, 57 ECAB 238, 241 (2005); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

⁷ *J.F.*, Docket No. 18-0492 (issued January 16, 2020); *Jacqueline M. Nixon-Steward*, 52 ECAB 140 (2000).

⁸ *A.M.*, Docket No. 18-0562 (issued January 23, 2020); *Leslie C. Moore*, 52 ECAB 132 (2000).

⁹ *E.W.*, Docket No. 19-1393 (issued January 29, 2020); *Gary L. Fowler*, 45 ECAB 365 (1994).

It is well established that proceedings under FECA are not adversarial in nature and while the claimant has the burden of proof to establish entitlement to compensation, OWCP shares responsibility in the development of the evidence to see that justice is done.¹⁰

While Dr. Mann's opinion is insufficiently rationalized to establish causal relationship, it raises an uncontroverted inference regarding causal relationship between the diagnosed conditions and the accepted employment factors sufficient to require further development of the case record by OWCP.¹¹

The case shall therefore be remanded for further development of the medical evidence. On remand OWCP shall prepare a statement of accepted facts and obtain a rationalized opinion from a physician in the appropriate field of medicine as to whether the accepted employment factors caused, contributed to, or aggravated the diagnosed right shoulder conditions. If the physician opines that the diagnosed conditions are not causally related, he or she must explain with rationale how or why their opinion differs from that of Dr. Mann. Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.

CONCLUSION

The Board finds that this case is not in posture for decision.

¹⁰ *C.R.*, Docket No. 20-1102 (issued January 8, 2021); *K.P.*, Docket No. 18-0041 (issued May 24, 2019).

¹¹ *See M.S.*, Docket No. 20-1095 (issued March 29, 2022); *A.D.*, Docket No. 20-0758 (issued January 11, 2021); *C.R.*, Docket No. 20-0366 (issued December 11, 2020); *John J. Carlone*, 41 ECAB 354 (1989); *Horace Langhome*, 29 ECAB 820 (1978).

ORDER

IT IS HEREBY ORDERED THAT the September 13, 2021 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further proceedings consistent with this decision of the Board.

Issued: May 12, 2022
Washington, DC

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

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board