

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

S.R., Appellant)	
)	
and)	Docket No. 24-0141
)	Issued: April 10, 2024
DEPARTMENT OF HOMELAND SECURITY,)	
TRANSPORTATION SECURITY)	
ADMINISTRATION, WASHINGTON DULLES)	
INTERNATIONAL AIRPORT, Dulles, VA,)	
Employer)	
)	

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

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

JURISDICTION

On December 1, 2023 appellant filed a timely appeal from an October 12, 2023 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act¹ (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

ISSUE

The issue is whether appellant has met his burden of proof to establish a right shoulder condition causally related to the accepted July 31, 2023 employment incident.

¹ 5 U.S.C. § 8101 *et seq.*

FACTUAL HISTORY

On August 1, 2023 appellant, then a 61-year-old compliance inspection and support employee, filed a traumatic injury claim (Form CA-1) alleging that on July 31, 2023 he experienced pain in his right shoulder “after a day of pulling heavy bags from the x-ray machine,” while in the performance of duty. On the reverse side of the claim form, the employing establishment controverted the claim, indicating that it believed appellant’s disability was the result of an occupational disease as appellant initially stated that he felt pain while pulling bags for over a week, but officially reported that the pain worsened on July 31, 2023.

In an August 1, 2023 report, Dr. Athreya J. Tata, a Board-certified internist, related that appellant worked at the employing establishment and his work required that he pull a lot of bags. He indicated that appellant’s right shoulder pain started on July 20, 2023 and that appellant felt a sharp pain the prior day while he pulled a 70-pound bag. Dr. Tata indicated that the evaluation was supportive of right shoulder rotator cuff tendinopathy. He placed appellant on light duty for two weeks due to his right shoulder pain.

In an August 3, 2023 development letter, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence needed and provided a questionnaire for his completion, requesting that he clarify whether he was alleging a traumatic injury or an occupational disease. OWCP afforded appellant 60 days to respond.

OWCP received an August 1, 2023 work status report, wherein Dr. Tata placed appellant on modified activity at home and work from August 1 through 15, 2023.

An August 15, 2023 x-ray of appellant’s right shoulder was essentially normal. An August 24, 2023 magnetic resonance imaging (MRI) scan of his right shoulder, noted a partial-thickness articular-sided tear of posterior infraspinatus tendon and mild acromioclavicular osteoarthritis.

In an August 30, 2023 verification of treatment note, Dr. Seraphine A. Soosaimanickam, a Board-certified internist, reported that appellant had right shoulder pain, rotator cuff injury. She advised appellant not to lift more than 15 pounds for the next two weeks from August 30 to September 15, 2023.

In a September 1, 2023 response to OWCP’s development letter, appellant clarified that the claim was for a traumatic injury which occurred on July 31, 2023 when he felt a sharp pain on his right shoulder after lifting and pulling heavy bags in the performance of his duties. He noted that while he had previously mentioned to his manager and Dr. Tata that he had some discomfort after a day of lifting/pulling bags, he never experienced the type of pain he had on July 31, 2023. Appellant also noted that he had no other option but to report to work, even though his shoulder pain was at times unbearable.

By letter dated September 5, 2023, OWCP advised appellant that the medical evidence received remained insufficient to support his claim, which he had clarified as a traumatic injury of July 31, 2023. It advised him of the medical evidence needed, noting that he had 60 days from its initial letter of August 3, 2023 to respond.

In a September 19, 2023 verification of treatment note, Dr. Merav Galper, a diagnostic radiology specialist, diagnosed rotator cuff syndrome based on the MRI scan. He placed appellant on light duty until October 10, 2023, with lifting restrictions.

OWCP received a September 21, 2023 response from appellant. Appellant related that his healthcare providers were not helping him address the questions presented by OWCP. He requested that an OWCP physician review the evidence of record or provide a further medical examination.

By decision dated October 12, 2023, OWCP denied appellant's traumatic injury claim, finding that the evidence was insufficient to establish that the medical conditions diagnosed were causally related to the accepted July 31, 2023 work incident.

LEGAL PRECEDENT

An employee seeking benefits under FECA has the burden of proof to establish 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 FECA, that the claim was timely filed within the applicable time limitation period of FECA,² 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.³ 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.⁴

To determine if an employee has sustained a traumatic injury in the performance of duty, OWCP begins with an analysis of whether fact of injury has been established. Fact of injury consists of two components that must be considered in conjunction with one another. The first component is whether the employee actually experienced the employment incident at the time and place, and in the manner alleged.⁵ The second component is whether the employment incident caused an injury.⁶

Rationalized medical opinion evidence is required to establish causal relationship. The opinion of the physician must be based on a complete factual and medical background, must be

² *S.B.*, Docket No. 17-1779 (issued February 7, 2018); *J.P.*, 59 ECAB 178 (2007); *Joe D. Cameron*, 41 ECAB 153 (1989).

³ *J.M.*, Docket No. 17-0284 (issued February 7, 2018); *R.C.*, 59 ECAB 427 (2008); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

⁴ *K.M.*, Docket No. 15-1660 (issued September 16, 2016); *L.M.*, Docket No. 13-1402 (issued February 7, 2014); *Delores C. Ellyett*, 41 ECAB 992 (1990).

⁵ *B.P.*, Docket No. 16-1549 (issued January 18, 2017); *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁶ *M.H.*, Docket No. 18-1737 (issued March 13, 2019); *John J. Carlone*, 41 ECAB 354 (1989).

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 incident.⁷

ANALYSIS

The Board finds that appellant has not met his burden of proof to establish a right shoulder condition causally related to the accepted July 31, 2023 employment incident.

In support of his claim, appellant submitted an August 1, 2023 report and a work status note of the same date, wherein Dr. Tata related that appellant felt a sharp right shoulder pain on July 31, 2023 at work while pulling a 70-pound bag. He also indicated that appellant's evaluation was supportive of right shoulder rotator cuff tendinopathy. However, while Dr. Tata noted the history of appellant's employment incident and a diagnosis, he did not explain a pathophysiological process of how the incident caused or contributed to his right shoulder condition.⁸ The Board has held that a medical opinion that does not offer rationale explaining how the accepted employment incident or factors physiologically caused or aggravated the diagnosed condition is of limited probative value.⁹ As such, Dr. Tata's reports are insufficient to establish that appellant's right shoulder condition was causally related to the accepted July 31, 2023 employment incident.¹⁰

In his August 30, 2023 note, Dr. Soosaimanickam reported that appellant had right shoulder pain, rotator cuff injury. Also, Dr. Galper, in his September 19, 2023 verification of treatment note, diagnosed rotator cuff syndrome based on the MRI scan. However, neither physician offered an opinion on 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.¹¹ For this reason, this medical evidence is insufficient to establish the claim.

The remainder of the evidence submitted by appellant consisted of diagnostic testing including an August 15, 2023 x-ray and an August 24, 2023 MRI scan. The Board has held, however, that diagnostic testing reports, standing alone, lack probative value on the issue of causal

⁷ *D.L.*, Docket No. 23-0967 (issued November 30, 2023); *M.O.*, Docket No. 19-1398 (issued August 13, 2020); *J.L.*, Docket No. 18-1804 (issued April 12, 2019).

⁸ *J.D.*, Docket No. 19-1953 (issued January 11, 2021); *J.C.*, Docket No. 18-1474 (issued March 20, 2019); *M.M.*, Docket No. 15-0607 (issued May 15, 2015); *M.W.*, Docket No. 14-1664 (issued December 5, 2014).

⁹ *J.B.*, Docket No. 21-0011 (issued April 20, 2021); *A.M.*, Docket No. 19-1394 (issued February 23, 2021).

¹⁰ *See D.L.*, *supra* note 7.

¹¹ *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).

relationship as they do not address the relationship between the accepted employment factors and a diagnosed condition.¹² This evidence is, therefore, 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 July 31, 2023 employment incident, the Board finds that appellant has not met his 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.

CONCLUSION

The Board finds that appellant has not met his burden of proof to establish a right shoulder condition causally related to the accepted July 31, 2023 employment incident.

ORDER

IT IS HEREBY ORDERED THAT the October 12, 2023 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: April 10, 2024
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

¹² *M.G.*, Docket No. 23-0693 (issued November 27, 2023); *W.M.*, Docket No. 19-1853 (issued May 13, 2020); *L.F.*, Docket No. 19-1905 (issued April 10, 2020).