U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MARTIN F. KIELTSCH and DEPARTMENT OF THE ARMY, ABERDEEN PROVING GROUND, Aberdeen, Md.

Docket No. 96-2388; Submitted on the Record;
Issued July 22, 1998

DECISION and ORDER

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

The issue is whether appellant sustained a left ring finger injury in the performance of duty on November 3, 1995.

The Board has duly reviewed the case record in the present appeal and finds that the case is not in posture for decision.

An employee who claims benefits under the Federal Employees' Compensation Act[1] has the burden of establishing the essential elements of his or her claim.[2] The claimant has the burden of establishing by the weight of reliable, probative and substantial evidence that the condition for which compensation is sought is causally related to a specific employment incident or to specific conditions of the employment. As part of this burden, the claimant must present rationalized medical opinion evidence, based upon a complete and accurate factual and medical background, establishing causal relationship.[3] However, it is well established that proceedings under the Act are not adversarial in nature, and while the claimant has the burden to establish entitlement to compensation, the Office of Workers' Compensation Programs shares responsibility in the development of the evidence.[4]

In the present case, appellant claimed that he injured his left ring finger when a 150 pound cylinder fell against it at work on November 3, 1995. Appellant stopped work on December 13, 1995. By decision dated June 27, 1996, the Office denied appellant's claim on the

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[1] 5 U.S.C. §§ 8101-8193.

[2] *Ruthie Evans*, 41 ECAB 416, 423-24 (1990); *Donald R. Vanlehn*, 40 ECAB 1237, 1238 (1989).

[3] *Brian E. Flescher*, 40 ECAB 532, 536 (1989); *Ronald K. White*, 37 ECAB 176, 178 (1985).

[4] *Dorothy L. Sidwell*, 36 ECAB 699 (1985); *William J. Cantrell*, 34 ECAB 1233 (1983).

grounds that he did not submit sufficient medical evidence to establish that he sustained an employment injury to his left ring finger on November 3, 1995.

The Board notes that while none of the reports of appellant's attending physicians are completely rationalized, they are consistent in indicating that appellant sustained an employment-related injury on November 3, 1995, and are not contradicted by any substantial medical or factual evidence of record. Therefore, while the reports are not sufficient to meet appellant's burden of proof to establish his claim, they raise an uncontroverted inference between appellant's claimed condition and the employment incident of November 3, 1995, and are sufficient to require the Office to further develop the medical evidence and the case record.[5]

In a report dated December 12, 1995, Dr. Phillip J. Franklin, an occupational medicine physician for the employing establishment, indicated that appellant reported injuring his left ring finger on November 3, 1995 and diagnosed trauma to the left ring finger. In a report dated December 15, 1995, Dr. William P Cook, IV, an attending Board-certified orthopedic surgeon, noted that appellant reported having his left ring finger crushed by a cylinder on November 3, 1995 and diagnosed possible stenosing tenosynovitis and possible lateral band subluxation secondary to contusion of the left ring finger. In a report dated December 21, 1995, Dr. Keith A. Segalman, an attending Board-certified orthopedic surgeon, described the November 3, 1995 incident as reported by appellant and stated, "[Appellant] has a characteristic boutonierre deformity of his left ring finger. His relatively acute loss of extension after a minor blow is suggestive of the extensor avulsion off the dorsal base of the middle phalanx." In a form report dated January 29, 1996, Dr. Cook diagnosed boutonniere deformity due to the November 3, 1995 employment injury.

Accordingly, the case will be remanded to the Office for further evidentiary development regarding the issue of whether appellant sustained an employment-related injury on November 3, 1995. The Office should prepare a statement of accepted facts and obtain a medical opinion on this matter.[6] After such development of the case record as the Office deems necessary, an appropriate decision shall be issued.

[5] *See Robert A. Redmond*, 40 ECAB 796, 801 (1989).

[6] If it is determined that appellant sustained an employment-related injury on November 3, 1995, it should also be determined whether appellant sustained any disability from work as a result.

The decision of the Office of Workers' Compensation Programs dated June 27, 1996 is set aside and the case remanded to the Office for further proceedings consistent with this decision of the Board.

Dated, Washington, D.C.
July 22, 1998

Michael J. Walsh
Chairman

George E. Rivers
Member

Willie T.C. Thomas
Alternate Member