

¹ 5 U.S.C. § 8101 *et seq.*

a Form CA-16 diagnosing lumbago. He indicated with a checkmark “yes” that the condition was due to appellant’s employment activity.

In a letter dated October 12, 2012, OWCP requested additional factual and medical information in support of appellant’s claim. In a note dated October 10, 2012, Dr. J. Todd Smith, an orthopedic surgeon, diagnosed left lower extremity radiculitis with low back pain and possible disc herniation of the lumbar spine. He listed appellant’s history of throwing parcels when she felt acute low back pain. On October 19, 2012 Dr. Smith diagnosed left lower extremity radiculitis with positive provocative signs.

By decision dated November 14, 2012, OWCP denied appellant’s claim on the grounds that she had not submitted sufficient medical evidence to establish causal relation.

On December 8, 2012 appellant requested reconsideration. She submitted factual evidence describing her employment incident. Appellant stated that, while throwing parcels on the workroom floor, she felt a sharp pain in her back which developed into a burning sensation.

By decision dated January 30, 2013, OWCP denied appellant’s claim on the grounds that she had not submitted sufficient medical evidence to establish a causal relationship between the employment incident and her back condition.

LEGAL PRECEDENT

An employee seeking benefits under FECA² has the burden of establishing the essential elements of his or her claim by the weight of the reliable, probative and substantial evidence, including the fact that the individual is an “employee of the United States” within the meaning of FECA and that the claim was timely filed within the applicable time limitation period of FECA, that an injury was sustained in the performance of duty as alleged and that any disability or specific 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

OWCP defines a traumatic injury as, “[A] condition of the body caused by a specific event or incident, or series of events or incidents, within a single workday or shift. Such condition must be caused by external force, including stress or strain which is identifiable as to time and place of occurrence and member or function of the body affected.”⁵ To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it must first be determined whether a “fact of injury” has been established. The employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at

² *Id.*

³ *Kathryn Haggerty*, 45 ECAB 383, 388 (1994); *Elaine Pendleton*, 41 ECAB 1143 (1989).

⁴ *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁵ 20 C.F.R. § 10.5(ee).

the time, place and in the manner alleged.⁶ The employee must also submit sufficient medical evidence to establish that the employment incident caused a personal injury.⁷

ANALYSIS

Appellant alleged that on September 21, 2012 she injured her back while throwing parcels on the workroom floor. She submitted a September 26, 2012 form report from Dr. Brie who diagnosed lumbago and indicated with a checkmark “yes” that the condition was due to appellant’s employment activity. The Board has held that an opinion on causal relationship which consists only of a physician checking “yes” to a medical form report question on whether the claimant’s condition was related to the history given is of little probative value. Without any explanation or rationale for the conclusion reached, the report is insufficient to establish causal relationship.⁸ Dr. Brie did not describe appellant’s employment activities or provide any medical reasoning explaining how the accepted work activities caused or aggravated her diagnosed lumbago.

On October 10 and 19, 2012 Dr. Smith noted appellant’s work throwing parcels. He diagnosed left lower extremity radiculitis with low back pain and a possible lumbar disc herniation. Dr. Smith did not offer any opinion on the causal relationship between the diagnosed condition and appellant’s work. Without medical opinion evidence establishing a causal relationship between appellant’s accepted employment incident and her diagnosed condition, appellant has failed to meet her burden to prove a traumatic injury on September 21, 2012.

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 submitted sufficient medical opinion evidence to establish that she sustained a traumatic injury on September 21, 2012 in the performance of her federal job duties.

⁶ *John J. Carlone*, 41 ECAB 354 (1989).

⁷ *J.Z.*, 58 ECAB 529 (2007).

⁸ *Lucrecia M. Nielson*, 41 ECAB 583, 594 (1991).

ORDER

IT IS HEREBY ORDERED THAT the January 30, 2013 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: July 24, 2013
Washington, DC

Richard J. Daschbach, Chief Judge
Employees' Compensation Appeals Board

Patricia Howard Fitzgerald, Judge
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge
Employees' Compensation Appeals Board