

On January 11, 2005 the Office advised appellant that it required additional factual and medical evidence to determine whether he was eligible for compensation benefits. The Office asked appellant to submit a comprehensive medical report from a treating physician describing his symptoms and an opinion as to whether his claimed condition was causally related to his federal employment. The Office requested that appellant submit the additional evidence within 30 days.

Appellant submitted a December 22, 2004 emergency room form report, which stated that he injured his right hand and contained checked boxes indicating findings on examination. However, he did not submit any probative, rationalized opinion evidence indicating that the injury was causally related to the December 22, 2004 work incident.

By decision dated February 14, 2005, the Office denied appellant's claim, finding that he failed to submit sufficient medical evidence in support of his claim. The Office stated that he failed to submit medical evidence providing a diagnosis resulting from the December 22, 2004 work incident.

On May 1, 2005 appellant requested a review of the written record. Appellant submitted a December 23, 2004 report, which stated that he was struck at work by a recycling bin structure. The report noted that he had some swelling in the proximal interphalangeal joint of the middle finger, in addition to mild swelling in his index and right fingers. Appellant was diagnosed as having a probable sprain/jamming of his index, long and ring fingers of the right hand. At the bottom of the report there are three initials, which appear to be those of the treating and examining physician.² A January 5, 2005 follow-up report, handwritten on the same page, states:

“Complaints of hand hurting -- numbness gone -- wants to go home. He was offered [pain medication] and he states he has pain medications at home for his back and does not need any more. He was told to talk with his supervisor at work about going home and that we would have to see him in office before we could change his work status. He has an appointment January 6, 2005.”

By decision dated September 8, 2005, an Office hearing representative affirmed the February 14, 2005 Office decision.

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees' Compensation Act³ has the burden of establishing that 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.⁴ These are the essential

² The report states: “TEP: afc”.

³ 5 U.S.C. §§ 8101-8193.

⁴ *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.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. First, the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time, place and in the manner alleged.⁶ Second, the employee must submit sufficient evidence, generally only in the form of medical evidence, to establish that the employment incident caused a personal injury.⁷ The medical evidence required to establish causal relationship is usually rationalized medical evidence. Rationalized medical opinion evidence is medical evidence which includes a physician’s rationalized opinion on the issue of whether there is a causal relationship between the claimant’s diagnosed condition and the implicated employment factors. 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

An award of compensation may not be based on surmise, conjecture or speculation. Neither the fact that appellant’s condition became apparent during a period of employment nor the belief that he condition was caused, precipitated or aggravated by his employment is sufficient to establish causal relationship.⁹ Causal relationship must be established by rationalized medical opinion evidence and appellant failed to submit such evidence.

ANALYSIS

In this case, appellant experienced the employment incident at the time, place and in the manner alleged. However, the question of whether an employment incident caused a personal injury can only be established by medical evidence.¹⁰ Appellant has not submitted rationalized, probative medical evidence to establish that the employment incident on December 22, 2005 caused a personal injury and resultant disability.

The only medical documents appellant submitted were the December 22, 2004 unsigned emergency room report and the December 23, 2004 and January 5, 2005 initialed reports, which stated findings on examination and indicated that appellant had a right hand sprain and a jamming of his index, long and ring fingers of the right hand. These reports, however, did not relate the diagnoses to the December 22, 2004 incident at work. The weight of medical opinion is determined by the opportunity for and thoroughness of examination, the accuracy and

⁵ *Victor J. Woodhams*, 41 ECAB 345 (1989).

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

⁷ *Id.* For a definition of the term “injury,” see 20 C.F.R. § 10.5(a)(14).

⁸ *Id.*

⁹ *Id.*

¹⁰ *John J. Carlone*, *supra* note 6.

completeness of physician's knowledge of the facts of the case, the medical history provided the care of analysis manifested and the medical rationale expressed in support of stated conclusions.¹¹ Although the December 23, 2004 and January 5, 2005 reports do present diagnoses of appellant's condition, they did not address whether these conditions were caused by the December 22, 2004 employment incident. Moreover, the records contain no documentation indicating the origin or author of the reports, which would indicate definitively that they were written by a physician. There is insufficient evidence of record to establish an injury due to the accepted incident.

The Office advised appellant of the evidence required to establish his claim; however, appellant failed to submit sufficient medical evidence addressing how the December 22, 2004 incident caused the claimed injury. The Office properly denied appellant's claim for compensation.

CONCLUSION

The Board finds that appellant has failed to meet his burden of proof in establishing that his claimed right hand injury was sustained in the performance of duty.

ORDER

IT IS HEREBY ORDERED THAT the September 8 and February 14, 2005 decisions of the Office of Workers' Compensation Programs be affirmed.

Issued: February 9, 2006
Washington, DC

David S. Gerson, Judge
Employees' Compensation Appeals Board

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

¹¹ See *Anna C. Leanza*, 48 ECAB 115 (1996).