

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

S.F., Appellant

and

**TENNESSEE VALLEY AUTHORITY,
Muscle Shoals, AL, Employer**

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**Docket No. 07-277
Issued: March 26, 2007**

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

Case Submitted on the Record

DECISION AND ORDER

Before:

DAVID S. GERSON, Judge
MICHAEL E. GROOM, Alternate Judge
JAMES A. HAYNES, Alternate Judge

JURISDICTION

On October 24, 2006 appellant timely appealed the September 18, 2006 merit decision of the Office of Workers' Compensation Programs, which denied his claim for an employment-related traumatic injury. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3(d), the Board has jurisdiction over the merits of the claim.

ISSUE

The issue is whether appellant sustained an injury in the performance of duty on July 21, 2006.

FACTUAL HISTORY

On August 1, 2006 appellant, a 31-year-old environmental technician, filed a traumatic injury claim for whiplash and back spasms. He attributed his claimed condition to a July 21, 2006 motor vehicle accident. Appellant stated that he was stopped at a signal-controlled intersection when another motor vehicle rear-ended the employing establishment vehicle he was

operating.¹ He did not miss any time from work as a result of the July 21, 2006 motor vehicle accident. While the claim form indicated that appellant sought medical treatment on July 21, 2006, no medical evidence accompanied the claim.

On August 9, 2006 the Office advised appellant by letter that the information received was insufficient to establish that he sustained an injury on July 21, 2006. The Office requested that appellant submit a physician's report that included a history of injury, dates of examination and any treatment, a detailed description of findings, results of x-rays and any laboratory tests and a specific diagnosis of the injury. The Office further advised that the physician's opinion should be supported by a medical explanation of how the reported work incident caused or aggravated the claimed employment injury. It afforded appellant 30 days to submit the requested information.

The Office subsequently received emergency room treatment records for July 21, 2006.² Appellant's chief complaint was mid and low back pain following a motor vehicle collision. He had a prior history of back injury when serving in Iraq. Appellant reported wearing a seat belt at the time he was struck from behind. The collision did not result in air bags being deployed. Appellant complained of a little bit of pain on the side of his neck and shoulders, but principally in his mid to lower back, worse on the left. His neurological examination was normal and x-rays of the lumbar and thoracic spine were negative for acute findings. Dr. Evelyn W. Young, a Board-certified family practitioner, noted tenderness in the cervical paraspinal muscles and across the shoulders. She also noted minimal tenderness in the lower thoracic spine and tenderness in the lumbar spine and paraspinal muscles. Dr. Young's assessment was "motor vehicle collision with strains." She prescribed pain and anti-inflammatory medication and instructed appellant to apply ice and heat.

In a decision dated September 18, 2006, the Office denied appellant's traumatic injury claim. The Office accepted that the July 21, 2006 motor vehicle accident occurred as alleged. However, the Office found that Dr. Young's finding of "motor vehicle collision with strains" was not a specific diagnosis of injury.

LEGAL PRECEDENT

A claimant seeking benefits under the Federal Employees' Compensation Act³ has the burden of establishing the essential elements of his claim by the weight of the reliable, probative and substantial evidence, including that an injury was sustained in the performance of duty as

¹ The employing establishment confirmed that appellant was operating a government-owned vehicle on July 21, 2006 when he was involved in a motor vehicle accident in Little Rock, AR. Police records also confirmed the incident.

² Appellant was seen at Baptist Health Medical Center-Little Rock.

³ 5 U.S.C. § 8101 *et seq.*

alleged and that any specific condition or disability claimed is causally related to the employment injury.⁴

To determine if an employee sustained a traumatic injury in the performance of duty, the Office begins with an analysis of whether “fact of injury” has been established. Generally, fact of injury consists of two components that must be considered in conjunction with one another. The first component to be established is that the employee actually experienced the employment incident that is alleged to have occurred.⁵ The second component is whether the employment incident caused a personal injury.⁶

ANALYSIS

The July 21, 2006 emergency room treatment records indicate that appellant suffered “strains” as a consequence of a motor vehicle collision. The only noted physical findings were varying degrees of tenderness in the cervical, thoracic and lumbar spine and surrounding musculature as well as tenderness across the shoulders bilaterally. The remainder of appellant’s examination, including x-rays, was unremarkable. While it is apparent that appellant complained of neck, shoulder and back pain, Dr. Young’s assessment of “strains” is not specific to a particular body part or region of the spine. Because the record did not include a specific diagnosis attributable to the July 21, 2006 motor vehicle accident, the Office properly denied appellant’s traumatic injury claim.

CONCLUSION

Appellant failed to establish that he sustained an injury as a result of the July 21, 2006 employment-related motor vehicle accident.

⁴ 20 C.F.R. § 10.115(e), (f) (2006); see *Jacquelyn L. Oliver*, 48 ECAB 232, 235-36 (1996). Causal relationship is a medical question that can generally be resolved only by rationalized medical opinion evidence. See *Robert G. Morris*, 48 ECAB 238 (1996). A physician’s opinion on the issue of whether there is a causal relationship between the claimant’s diagnosed condition and the implicated employment factors must be based on a complete factual and medical background of the claimant. *Victor J. Woodhams*, 41 ECAB 345, 352 (1989). Additionally, in order to be considered rationalized, the opinion must be expressed in terms of a reasonable degree of medical certainty, and must be supported by medical rationale, explaining the nature of the relationship between the diagnosed condition and appellant’s specific employment factors. *Id.*

⁵ *Elaine Pendleton*, 40 ECAB 1143 (1989).

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

ORDER

IT IS HEREBY ORDERED THAT the September 18, 2006 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: March 26, 2007
Washington, DC

David S. Gerson, Judge
Employees' Compensation Appeals Board

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

James A. Haynes, Alternate Judge
Employees' Compensation Appeals Board