

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DOROTHY J. STEWART and DEPARTMENT OF TRANSPORTATION,
FLIGHT STANDARDS SERVICE, Washington, D.C.

*Docket No. 96-1104; Submitted on the Record;
Issued February 17, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
BRADLEY T. KNOTT

The issue is whether appellant met her burden of proof to establish that she sustained an injury to her left arm, neck and lower back in the performance of duty.

On April 14, 1995 appellant, a 42-year-old management analyst, fell to the floor and injured her left arm and lower back when the chair on which she was sitting collapsed. On April 17, 1995 appellant filed a Form CA-1 claim based on traumatic injury, seeking continuation of pay based on the alleged injuries she sustained to her left arm and lower back due to the employment incident of April 14, 1995.

Appellant subsequently submitted a Form CA-16 dated May 1, 1995 from Dr. Mohammed A. Mannan, a specialist in internal medicine, who examined and treated appellant on April 20, 1995 for the alleged injuries resulting from the April 14, 1995 work incident. Dr. Mannan provided a brief history of the April 14, 1995 employment incident and stated that appellant suffered a fall with trauma to her left arm, neck and lumbar spine. Dr. Mannan also submitted two progress notes dated April 19 and May 1, 1995,¹ but these do not provide a probative, rationalized medical opinion regarding whether appellant sustained an injury or disability on April 14, 1995 causally related to employment factors.

In a letter to appellant dated November 21, 1995, the Office requested that appellant submit additional information in support of her claim, including a medical report and opinion from a physician, supported by medical reasons, as to how the reported work incident caused or aggravated the claimed injury. The Office requested that appellant provide a diagnosis and clinical course of treatment for the injury, noting that although her doctor completed the Form CA-16, the diagnosis he provided on it was insufficient to establish that appellant had

¹ This note states that appellant "has progressed well with treatment and is now fit to resume her regular job duties on May 2, 1995." However, the note fails to indicate whether or not appellant sustained an employment-related injury on April 14, 1995 resulting in subsequent disability causally related to employment factors.

suffered an injury caused or aggravated by employment factors. The Office specifically stated that “trauma to left arm, neck and lumbar spine was not a sufficient diagnosis.” The Office informed the employee that she had 30 days to submit the requested information. Appellant did not respond to this letter until after the Office’s December 26, 1995 decision.

By decision dated December 26, 1995, the Office denied appellant’s claim on the grounds that the evidence of record failed to establish that appellant sustained the claimed injury in the performance of duty.

The Board finds that appellant did not meet her burden of proof to establish that she sustained an injury to her left arm, neck and lower back in the performance of duty.

An employee seeking benefits under the Federal Employees’ Compensation Act² 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.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 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.⁵ 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.⁶ 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.⁷

² 5 U.S.C. §§ 8101-8193.

³ *Joe Cameron*, 42 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

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

⁵ *John J. Carlone*, 41 ECAB 354 (1989).

⁶ *Id.* For a definition of the term “injury,” see 20 C.F.R. § 10.5(a)(14).

⁷ *Id.*

In the present case, it is uncontested that 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 generally can be established only by medical evidence⁸ and appellant has not submitted rationalized, probative medical evidence to establish that the employment incident on April 14, 1995 caused a personal injury and resultant disability.

In the present case, the only medical evidence bearing on causal relationship is the May 1, 1995 Form CA-16 of Dr. Mannan, which merely provided a brief, one-sentence history of the incident and a one-sentence notation that appellant suffered a fall with trauma to her left arm, neck and lumbar spine and Dr. Mannan's two progress notes of April 19 and May 1, 1995.⁹ None of these reports provide a probative, rationalized medical opinion sufficient to establish that appellant sustained an injury or disability on April 14, 1995 causally related to employment factors.

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 her condition was caused, precipitated or aggravated by her employment is sufficient to establish causal relationship. Causal relationship must be established by rationalized medical opinion evidence. Appellant failed to submit such evidence and the Office therefore properly denied appellant's claim for compensation.

Dr. Mannan's report and progress notes do not constitute sufficient medical evidence demonstrating a causal connection between appellant's April 14, 1995 fall and the claimed injury to her left arm, neck and lumbar spine diagnosed on May 1, 1995. Causal relationship must be established by rationalized medical opinion evidence. Dr. Mannan's opinion on causal relationship is of limited probative value in that he did not provide adequate medical rationale in support of his conclusions.¹⁰ He did not sufficiently describe or explain the medical process through which the April 14, 1995 work accident would have been competent to cause the claimed injuries.¹¹ Thus, the Office's decision is affirmed.

Lastly, notwithstanding the Board's affirmance of the Office's December 26, 1995 decision denying benefits, the Board finds that appellant is still entitled to reimbursement for or payment of expenses incurred for medical treatment for the period May 1, 1995, the date the

⁸ See *John J. Carlone*, *supra* note 5 at 353.

⁹ This note states that appellant "has progressed well with treatment and is now fit to resume her regular job duties on May 2, 1995." However, the note fails to indicate whether or not appellant sustained an employment-related injury on April 14, 1995 resulting in subsequent disability causally related to employment factors.

¹⁰ *William C. Thomas*, 45 ECAB 591 (1994).

¹¹ Subsequent to the Office's December 26, 1995 decision, appellant submitted to the Office a letter dated January 17, 1996, in addition to medical evidence which accompanied the letter; these were received by the Office on January 23, 1996. The Board is unable to review these documents, however, as they were not contained in the evidence of record before the Office prior to its December 26, 1995 decision; see 20 C.F.R. § 501.2. Appellant, however, may submit these documents to the Office if she chooses to file reconsideration of the instant decision.

employing establishment official signed the Form CA-16, authorization for examination and/or treatment, to June 30, 1995, the date 60 days from the official's signature (as such authorization was not terminated before that period). By Form CA-16, authorization for examination and/or treatment, signed by an employing establishment official on May 1, 1995 the employing establishment authorized Dr. Mannan to provide medical care for a period of up to 60 days from that date. The employing establishment's authorization for appellant to obtain medical examination and/or treatment created a contractual obligation to pay for the cost of necessary medical treatment and emergency surgery regardless of the action taken on the claim.¹²

The decision of the Office of Workers' Compensation Programs dated December 26, 1995 is hereby affirmed as modified.

Dated, Washington, D.C.
February 17, 1998

Michael J. Walsh
Chairman

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member

¹² *Robert F. Hamilton*, 41 ECAB 431 (1990); *Frederick J. Williams*, 35 ECAB 805 (1984); 20 C.F.R. § 10.403.