

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DELLA E. WEST and NATIONAL ARCHIVES & RECORD
ADMINISTRATION, Dayton, Ohio

*Docket No. 97-1641; Submitted on the Record;
Issued February 19, 1999*

DECISION and ORDER

Before MICHAEL J. WALSH, MICHAEL E. GROOM,
A. PETER KANJORSKI

The issue is whether appellant has established that she sustained a right wrist injury on October 15, 1996 in the performance of her federal employment.

In the present case, appellant, an archives aid, has alleged that she sustained a right wrist injury at work on October 15, 1996 while pulling a box in "upper shelving." In a decision dated January 25, 1997, the Office of Workers' Compensation Programs accepted that the incident occurred as alleged, but denied appellant's claim on the grounds that she had not provided the necessary rationalized medical evidence to establish that her right wrist conditions occurred as a result of this incident.

The Board has duly reviewed the case record and finds that appellant has not established that her right wrist conditions were causally related to her employment activities on October 15, 1996.

In a traumatic injury case, in order to determine whether an employee actually sustained an injury in the performance of duty, it must first be determined whether "fact of injury" has been established. First, the employee must submit sufficient evidence to establish that she actually experienced the employment incident at the time, place and in the manner alleged. 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.¹

Causal relationship is a medical issue and the medical evidence required to establish causal relationship generally is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence that includes a physician's reasoned opinion on whether there is a causal relationship between the claimant's diagnosed condition and the incidents or factors of employment established as occurring in the employment. The opinion of the physician

¹ See *O. Paul Gregg*, 46 ECAB 624 (1995).

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 established incident or factor of employment.²

The record indicates that appellant was seen on October 23, 1996 at the Kettering Workers' Care clinic by Dr. Martti Kalikoner.³ Appellant's diagnoses were noted as ganglion cyst of the right wrist and flexion tendinitis of the right wrist. While the physician noted a history that appellant had pulled boxes from a shelf last week and had felt strain in the right wrist, no medical rationale was provided to explain how the work incident would have caused the diagnosed conditions. The record indicates that appellant was seen on at least 10 occasions from October 23, 1996 until January 16, 1997 at the Kettering clinic for right wrist complaints. The progress records did not ever provide medical rationale regarding causal relationship. There is simply no medical opinion of record substantiating that appellant sustained her right wrist conditions as a result pulling a box at work on October 15, 1996.

The Board also notes that appellant was seen by an occupational therapist for her right wrist complaints during October and November 1996. An occupational therapist is not a physician within the meaning of the Federal Employees' Compensation Act.⁴ For this reason, an occupational therapist cannot provide competent medical opinion evidence on a medical question such as causal relation.⁵

As appellant did not submit the necessary medical evidence causally relating her right wrist condition to her employment, the Office properly denied appellant's claim.

² See *William E. Enright*, 31 ECAB 426 (1980).

³ The physician's signature is illegible.

⁴ 5 U.S.C. § 8101(2) states "physician" includes surgeons, podiatrists, dentists, clinical psychiatrists, optometrists, chiropractors and osteopathic practitioners within the scope of their practice as defined by state law.

⁵ *Jerre R. Rinehart*, 45 ECAB 518 (1994).

The decision of the Office of Workers' Compensation Programs dated February 25, 1997 is hereby affirmed.

Dated, Washington, D.C.
February 19, 1999

Michael J. Walsh
Chairman

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member