

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of PAULA TRISDALE and DEPARTMENT OF THE INTERIOR,
YELLOWSTONE NATIONAL PARK, Yellowstone, WY

*Docket No. 01-1519; Submitted on the Record;
Issued March 21, 2002*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
MICHAEL E. GROOM

The issues are: (1) whether appellant sustained a right wrist injury causally related to her federal employment; and (2) whether the Office of Workers' Compensation Programs properly denied appellant's request for reconsideration.

On January 14, 2000 appellant, then a 47-year-old telecommunications clerk, filed a notice of traumatic injury alleging that her "right hand goes numb and does not function normally" after operating a snowmobile on January 13, 2000 for several hours. Appellant was treated on February 17, 2000 by Dr. Michael K. Kimbro, a Board-certified family practitioner, for discomfort in both wrists.

By decision dated March 16, 2000, the Office denied appellant's claim, finding that she failed to establish that she sustained an injury as alleged.

By letter dated March 28, 2000, appellant requested an oral hearing which was held on October 24, 2000.

The Office received a November 7, 2000 report from Dr. Robert B. Blake, a Board-certified orthopedic surgeon, who stated:

“[Appellant] was injured when she rode a snowmobile on an extensive trip across a lake, on or about January 13, 2000. She noted numbness of the entire right hand and the inability to completely extend her ring finger. This has slowly improved, but has not completely returned to normal. She has undergone nerve testing, which does not reveal any abnormality. Her symptoms have progressively improved with time. Her diagnosis is resolving right ulnar neuropathy. In all likelihood, this will most likely resolve without any further intervention.”

Appellant also submitted a November 15, 2000 report from Dr. Kimbro in which he stated:

“[Appellant] was evaluated in the Mammoth Clinic on January 14, 2000 with complaints of right hand weakness and numbness with decreased range of motion of her fingers (difficulty straightening out her fingers). Her hand was fine until returning from a long snowmobile ride required by her job. I believe her symptoms were due to the snowmobile ride and secondary to tendinitis in her wrist/hand.”

By decision dated January 12, 2001, the hearing representative affirmed the Office’s March 16, 2000 decision.

By letter dated April 3, 2001, appellant requested reconsideration. By decision dated April 20, 2001, the Office denied appellant’s request for review.

The Board finds that the case is not in posture for decision.

To determine whether an 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.¹ 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.²

An employee’s statement alleging that an injury occurred at a given time and in a given manner is of great probative value and will stand unless refuted by strong or persuasive evidence.³

The Board finds that the weight of the evidence of record supports the fact that appellant sustained an incident to her right wrist while snowmobiling on January 13, 2000. Appellant completed a Form CA-1 on January 14, 2000, in which she stated that her right hand started to go numb on January 13, 2000 after operating a snowmobile for several hours. Dr. Kimbro evaluated appellant on January 14, 2000 and indicated that appellant complained of right hand weakness and numbness and could not completely extend her right fingers, and that these symptoms only began after her snowmobile ride the day before. Dr. Blake also noted in his report that appellant felt numbness in her entire right hand and could not completely extend her ring finger after her snowmobile ride on January 13, 2000.

¹ *John J. Carlone*, 41 ECAB 354 (1989).

² *Id.* For a definition of the term “injury,” see 20 C.F.R. § 10.5(a)(14).

³ *Doyle W. Ricketts*, 48 ECAB 167 (1996).

The Board finds that the evidence of record is sufficient to establish that appellant sustained an employment-related incident on January 13, 2000 and will remand the case to the Office to consider the medical evidence. After such development as is deemed necessary, the Office shall issue a *de novo* decision.

The January 12, 2001 decision of the Office of Workers' Compensation Programs is hereby set aside and the case is remanded to the Office for further proceedings consistent with this decision. The issue of reconsideration is moot since the case is being remanded to the Office for further development.

Dated, Washington, DC
March 21, 2002

Michael J. Walsh
Chairman

Willie T.C. Thomas
Alternate Member

Michael E. Groom
Alternate Member