

that appellant sustained an idiopathic fall when she felt light-headed, fell to the floor and did not hit anything on the way down.

On January 8, 2003 the Office advised appellant that it required additional factual and medical evidence to determine whether she was eligible for compensation benefits. The Office asked appellant to submit a comprehensive medical report from her treating physician describing her symptoms and the medical reasons for her condition, and an opinion as to whether her claimed condition was causally related to her federal employment. The Office requested that appellant submit the additional evidence within 30 days.

In a response received by the Office February 4, 2003, appellant stated:

“I was coming out of [the] ladies room on [the] third floor looking straight ahead. I proceeded to go a few yards and felt myself getting light headed. I tried to grab hold of something. I reached out and nothing was there to grab so I landed face first on the floor. I lost three teeth.”

Appellant reiterated that there were no witnesses to her fall.

In a report dated January 27, 2003, Dr. Paul H. Steinfield, a Board-certified orthopedic surgeon, noted appellant's history of injury and stated that she had complaints of neck, shoulder and back pain. Dr. Steinfield stated that x-rays demonstrated some cervical disc disease at C6-7. He diagnosed cervical strain, paracervical periscapular myofascial pain, possible cervical disc injury, right-sided cervical radiculopathy and low back pain. Appellant also submitted a January 28, 2003 report from Dr. Fred A. Stutman, a general practitioner, who noted her history of falling at work on November 11, 2002 and related her complaints of right-sided neck, shoulder, rib, back and hip pain.

An April 21, 2003 memorandum of conference held by the employing establishment to determine whether appellant's fall was idiopathic indicated that appellant denied that she had ever previously fallen in that manner or had ever been treated for light-headedness.

In an April 25, 2003 letter, the employing establishment stated that the Health Unit case record indicated that appellant had been treated in the Health Unit for light-headedness on four previous occasions: May 15, 1992, November 10, 1993, February 14 and September 19, 1995; the Health Unit records were attached to the letter. The treatment note for November 10, 1993 indicated that appellant, upon admission, had complained of being light-headed and related a “history of anemia, (a) sinus problem, also states heavy menstrual flow and fainted yesterday.”

Dr. Steinfield submitted reports dated March 3 and 17, 2003, in which he essentially reiterated his previous findings. In his March 17, 2003 report, Dr. Steinfield stated that appellant's injury was work related and that she remained out of work.

By decision dated May 14, 2003, the Office denied appellant's claim, finding that she failed to submit sufficient evidence to establish that her injury occurred in the performance of duty.

LEGAL PRECEDENT

It is a well-settled principle of workers' compensation law and the Board has so held that an injury resulting from an idiopathic fall -- where a personal, nonoccupational pathology causes an employee to collapse and to suffer injury upon striking the immediate supporting surface and there is no intervention or contribution by any hazard or special condition of employment -- is not within coverage of the Federal Employees' Compensation Act.¹ Such an injury does not arise out of a risk connected with the employment and is therefore not compensable. However, as the Board has made equally clear, the fact that the cause of a particular fall cannot be ascertained or that the reason it occurred cannot be explained, does not establish that it was due to an idiopathic condition.

This follows from the general rule that an injury occurring on the industrial premises during working hours is compensable unless the injury is established to be within an exception to such general rule.² If the record does not establish that the particular fall was due to an idiopathic condition, it must be considered as merely an unexplained fall, one which is distinguishable from a fall in which it is definitely proved that a physical condition preexisted and caused the fall.³ But when the fall is unexplained, and therefore attributable neither to the employment nor to the claimant personally, the risk is neutral, and an injury arising in the course of employment from a neutral risk is compensable.⁴

ANALYSIS

In this case, the medical evidence does not establish that appellant's fall on November 11, 2002 was due to a personal, nonoccupational pathology. Appellant indicated that she became light-headed and fell to the floor on November 11, 2002. There were no witnesses to the event, and appellant did not submit any medical evidence which would indicate that the fall was causally related to any employment-related condition or factor of employment. Although appellant had been treated for light-headedness on four previous occasions, approximately seven to ten years prior, the record did not contain any evidence of a specific diagnosed condition to which this light-headedness could have been attributable. Thus, there was no evidence in the record which provided any cause for appellant's falling episode on November 11, 2002. There is no sufficient evidence, therefore, to establish that a personal, nonoccupational pathology caused

¹ 5 U.S.C. §§ 8101-8193.

² *Dora J. Ward*, 43 ECAB 767, 769 (1992); *Fay Leiter*, 35 ECAB 176, 182 (1983).

³ *Edward V. Juare*, 41 ECAB 126 (1989). This is not to say that mere existence of a personal, nonoccupational pathology settles the issue of entitlement to compensation. It is well established that when a factor of employment aggravates, accelerates or otherwise combines with a preexisting, nonoccupational pathology, the employee is entitled to compensation. See *Charles A. Duffy*, 6 ECAB 470 (1954) (aggravation of preexisting disease or defect is as compensable as an original or new injury); Federal (FECA) Procedure Manual, Part 2 -- Claims, *Idiopathic Falls*, Chapter 2.804.9(b) (August 1992) (if some factor of the employment intervened or contributed to the injury resulting from the fall, the employee has coverage for the results of the injury but not for the idiopathic condition that caused the fall).

⁴ *Martha G. List*, *supra* note 8; *Maria G. Marelllo*, 52 ECAB 363 (2001); *John R. Black*, 49 ECAB 624 (1998).

appellant to fall on November 11, 2002. Accordingly, the fall in this case remains unexplained and is therefore compensable.

CONCLUSION

The Board finds that appellant met her burden to establish that she sustained an injury in the performance of duty on November 11, 2002.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated May 14, 2003 is reversed and the case is remanded to the Office for a determination of the nature and extent of any disability causally related to the November 11, 2002 fall.

Issued: March 31, 2004
Washington, DC

Colleen Duffy Kiko
Member

David S. Gerson
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