United States Department of Labor
Employees' Compensation Appeals Board

DARCI A. SMITH, Appellant	)	
and	)	**Docket No. 04-2275**
	)	**Issued: June 9, 2005**
DEPARTMENT OF THE TREASURY, INTERNAL REVENUE SERVICE, Deerfield Beach, FL, Employer	)	

Appearances:
Darci A. Smith, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:
DAVID S. GERSON, Alternate Member
MICHAEL E. GROOM, Alternate Member
A. PETER KANJORSKI, Alternate Member

JURISDICTION

On September 20, 2004 appellant filed a timely appeal from the merit decision of the Office of Workers' Compensation Programs dated August 26, 2004 which found that she failed to establish that she sustained an injury in the performance of duty on July 14, 2004. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

ISSUES

The issues are: (1) whether appellant sustained an injury in the performance of duty on July 14, 2004, as alleged; and (2) whether appellant is entitled to reimbursement for medical services provided pursuant to the Form CA-16 issued on July 15, 2004. Appellant contends on appeal that she demonstrated that she was in the performance of duty at the time of the accident and that she underwent medical treatment authorized by the employing establishment by a Form CA-16, authorization for examination and/or treatment.

FACTUAL HISTORY

On July 15, 2004 appellant, then a 25-year-old special agent, filed a traumatic injury claim alleging that, on July 14, 2004, she was in a motor vehicle accident while in the course of her federal employment and sustained injury to her head and neck. The employing establishment controverted the claim. The employing establishment issued a Form CA-16 on July 15, 2004, authorizing medical treatment for 60 days from the date of issuance at Boca Raton Community Hospital.

By letter dated July 23, 2004, the Office requested that appellant submit further information. In response she noted that she was driving a government vehicle during her duty hours when the car in front of her came to an abrupt stop and she ran into the rear of the car. Appellant indicated that as an immediate result of the accident, she had neck and back pain. She went to the Boca Raton Community Hospital the next day where she was seen by Dr. Evan Goldstein, a physician Board-certified in emergency medicine. Appellant submitted a Form CA-16, attending physician's report dated July 15, 2004, in which Dr. Goldstein indicated that she sustained a neck strain. He checked the box on the form indicating that he believed that the condition was related to appellant's employment as it was caused or aggravated by a motor vehicle crash "the day before." Appellant also submitted a July 15, 2004 negative cervical spine x-ray taken at the Boca Raton Community Hospital and the police report with regard to the July 14, 2004 accident. The record also contains summary answers to questions provided by appellant and her supervisor. On July 15, 2004 appellant repeated the information given in her claim and noted that there were no witnesses to the accident. On July 20, 2004 her supervisor indicated that appellant received first aid from the agency health unit. She indicated that her knowledge of the facts concurred with appellant's statement and that the agency would not be controverting the claim.

By decision dated August 26, 2004, the Office denied appellant's claim. The Office found that the medical evidence provided failed to establish that the claimed medical condition resulted from the accepted event and noted that any prior authorization for medical treatment was terminated.

LEGAL PRECEDENT -- ISSUE 1

An employee seeking benefits under the Federal Employees' Compensation Act has the burden of establishing 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 filed within the applicable time limitation 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.[1] 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.[2]

[1] *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

[2] *Daniel J. Overfield*, 42 ECAB 718, 721 (1991).

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. There are two components involved in establishing the fact of injury. 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.[3] 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.[4] To establish a causal relationship between the condition, as well as any attendant disability claimed and the employment event or incident, the employee must submit rationalized medical opinion evidence, based on a complete factual and medical background, supporting such a causal relationship.[5] The mere fact that a condition manifests itself or is worsened during a period of employment does not raise an inference of causal relationship between the two.[6]

ANALYSIS -- ISSUE 1

The Office found that appellant experienced the July 14, 2004 incident in the performance of duty, as alleged. However, it denied the claim because of appellant's failure to submit sufficient medical evidence to establish an injury arising from the July 14, 2004 employment incident.

The Board finds that the medical evidence of record is insufficient to meet appellant's burden of proof in establishing an injury resulting from the accepted incident. The only medical evidence submitted consisted of a July 15, 2004 negative cervical spine x-ray and a Form CA-16, attending physician's report, dated July 15, 2004. The negative cervical spine study makes no reference to any injury or to causation. In the CA-16, Dr. Goldstein's indication of causal relationship to the employment incident is by check mark on the form which is insufficient to establish causal relationship. Although Dr. Goldstein noted that appellant's injury was caused by a motor vehicle accident, he does not provide any discussion as to how the motor vehicle accident resulted in appellant's injury.[7] Without a rationalized opinion on causal relationship, the mere fact that appellant's condition manifested itself at work does not raise an inference of causal relationship with his federal employment. Accordingly, the medical evidence is insufficient to support a causal relationship between appellant's medical condition and the employment-related accident of July 14, 2004.

[3] *See Tracey P. Spillane*, 54 ECAB ___ (Docket No. 02-2190, issued June 12, 2003); *Deborah L. Beatty*, 54 ECAB ___ (Docket No. 02-2294, issued January 15, 2003).

[4] *Id.*

[5] *See John M. Tornello*, 35 ECAB 234 (1983).

[6] *See Joe T. Williams*, 44 ECAB 518, 521 (1993).

[7] *Robert Lombardo*, 40 ECAB 1038 (1989).

LEGAL PRECEDENT -- ISSUE 2

When a federal employee sustains a job-related injury which may require medical treatment, the designated employing establishment official shall promptly authorize such treatment by giving the employee a properly executed Form CA-16 within four hours.[8] To be valid, a Form CA-16 must give the full name and address of the duly qualified physician or medical facility authorized to provide service and must be signed and dated by the authorizing official and must show his or her title. The period for which treatment is authorized by a properly executed Form CA-16 is limited to 60 days from the date of issuance, unless terminated earlier by the Office.[9] A properly executed Form CA-16 creates a contractual obligation, which does not involve the employee directly, to pay for the cost of the examination and treatment regardless of the action taken on the employee's claim.[10] A claimant shall be reimbursed for reasonable and necessary expenses, including transportation incident to obtaining authorized medical services, appliances or supplies.[11]

ANALYSIS -- ISSUE 2

The employing establishment issued a Form CA-16 on July 15, 2004 which authorized medical treatment for 60 days from the date of issuance at Boca Raton Community Hospital. The record contains no evidence that the July 15, 2004 authorization was revoked. Therefore, appellant is entitled to reimbursement for the cost of treatment authorized under the CA-16 for 60 days. The record indicates services were provided at the emergency room of Boca Raton Community Hospital on July 15, 2004. These medical services consisted of treatment by Dr. Goldstein, who examined appellant and obtained an x-ray of the cervical spine. Therefore, the Board finds that the issuance of the CA-16 by the employing establishment created a contractual obligation to pay for the cost of appellant's medical treatment at Boca Raton Community Hospital.[12] Appellant is entitled to reimbursement of these medical expenses.[13]

CONCLUSION

The Board finds that appellant has not established that she sustained an injury in the performance of duty on July 14, 2004, as alleged. The Board finds that appellant is entitled to reimbursement for medical services provided pursuant to the Form CA-16 issued on July 15, 2004.

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[8] 20 C.F.R. § 10.300(b).

[9] *Id.*

[10] *Frederick J. Williams*, 35 ECAB 805 (1984); *see also Pamela A. Harmon*, 37 ECAB 263 (1986).

[11] 20 C.F.R. § 10.315.

[12] *See Robert F. Hamilton*, 41 ECAB 431 (1990).

[13] *See Kimberly Kelly*, 51 ECAB 582, 585 (2000).

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated August 26, 2004 is affirmed, as modified.

Issued: June 9, 2005
Washington, DC

David S. Gerson
Alternate Member

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member