

**United States Department of Labor  
Employees' Compensation Appeals Board**

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**ALBERT O. MORRISON, Appellant**

**and**

**U.S. POSTAL SERVICE, VEHICLE  
MAINTENANCE, Charlotte, NC Employer**

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**Docket No. 06-664  
Issued: June 26, 2006**

*Appearances:*  
*Albert O. Morrison, pro se*  
*Office of the Solicitor, for the Director*

*Case Submitted on the Record*

**DECISION AND ORDER**

Before:

ALEC J. KOROMILAS, Chief Judge  
DAVID S. GERSON, Judge  
MICHAEL E. GROOM, Alternate Judge

**JURISDICTION**

On January 30, 2006 appellant filed a timely appeal from the Office of Workers' Compensation Programs' August 16, 2005 denial of his claim. Under 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

**ISSUE**

The issue is whether appellant has established that he sustained a laceration to his left wrist while in the performance of duty on June 29, 2005.

**FACTUAL HISTORY**

Appellant, a 41-year-old mechanic, filed a claim for benefits on June 29, 2005, alleging that he cut his left wrist when he tried to remove electrical wiring from a wheel well on a postal vehicle. He did not stop work. Appellant was examined at the worksite on June 29, 2005 by Dr. Christian V. Madsen, a Board-certified family practitioner, who diagnosed an upper extremity laceration and released appellant to return to work without restrictions. The record indicates that on June 29, 2005 Dr. Madsen cleansed appellant's wound area, closed the laceration with four

stitches and gave appellant a tetanus shot. In a form report, Dr. Madsen indicated that the injury was work related.

On July 14, 2005 the Office advised appellant that it required additional factual and medical evidence to determine whether he was eligible for compensation benefits. The Office asked appellant to submit a comprehensive medical report from his treating physician describing his symptoms and the medical reasons for his condition, and an opinion as to whether his claimed condition was causally related to his federal employment. The Office requested that appellant submit the additional evidence within 30 days.

Appellant submitted a June 30, 2005 report from Dr. Clifford K. Calloway, a physician, who noted the history of injury and stated:

“This is a 41-year-old well-developed, well nourished white male in no acute distress. Left wrist shows a 3.0 cm laceration with a dog end to the lateral aspect. Bleeding is very minimal. Patient is able to hyperflex and extend his wrist without difficulty. He has good radial and ulnar pulses and less than two second capillary refill. Also good motor and sensory skills. No swelling, ecchymosis or any other lesions noted to the area.”

Dr. Calloway indicated that the injury was work related.

In a follow-up examination report dated July 12, 2005, Dr. Calloway indicated that appellant’s left wrist laceration had healed without any difficulties. He noted no other complaints.

By decision dated August 16, 2005, the Office denied appellant’s claim, finding that he failed to submit sufficient medical evidence in support of his claim.

### **LEGAL PRECEDENT**

An employee seeking benefits under the Federal Employees’ Compensation Act<sup>1</sup> 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.<sup>2</sup> 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.<sup>3</sup>

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.

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

<sup>2</sup> *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

<sup>3</sup> *Victor J. Woodhams*, 41 ECAB 345 (1989).

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.<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup> But in supporting a compensation award, the absence of such evidence is not always fatal to the claim. There is good authority for the proposition that medical evidence need not be entirely relied upon to sustain a compensation award as weight may be given to common sense, given the circumstances of the situation.<sup>7</sup>

### ANALYSIS

In this case, it is uncontested that appellant experienced the employment incident at the time, place and in the manner alleged. However, the Office denied appellant's claim on the grounds that he had not submitted rationalized, probative medical evidence to establish that the employment incident on June 29, 2005 caused a personal injury.

The medical documents appellant submitted were the reports from Drs. Madsen and Calloway, physicians who examined appellant in the immediate aftermath of the June 29, 2005 work incident and diagnosed a left wrist laceration. Immediately following the incident Dr. Madsen cleaned the wound and closed the wound with sutures. In his June 30, 2005 report, Dr. Calloway noted that he had reexamined appellant and found minimal bleeding and that appellant was able to hyperflex and extend his left wrist without difficulty. He also stated that appellant had good motor and sensory skills, with no swelling, ecchymosis or any other lesions in the area. In his July 12, 2005 follow-up report, Dr. Calloway advised that appellant's left wrist laceration had healed without any difficulties, and stated that he had no other complaints. Both Drs. Madsen and Calloway stated that appellant's laceration was caused by the employment incident. Although the physicians of record did not provide the type of rationalized medical evidence usually necessary to establish an employment-related injury, common sense establishes the nexus necessary to sustain causal relationship under these circumstances.

### CONCLUSION

The Board finds that appellant has established that he sustained a laceration to his left wrist in the performance of duty on June 29, 2005.

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<sup>4</sup> *John J. Carlone*, 41 ECAB 354 (1989).

<sup>5</sup> *Id.* For a definition of the term "injury," see 20 C.F.R. § 10.5(a)(14).

<sup>6</sup> *Id.*

<sup>7</sup> *Gregory J. Reser*, 57 ECAB \_\_\_\_\_ (Docket No. 05-1674, issued December 15, 2005).

**ORDER**

**IT IS HEREBY ORDERED THAT** the August 16, 2005 decision of the Office of Workers' Compensation Programs be reversed. The case is remanded for payment of appropriate compensation.

Issued: June 26, 2006  
Washington, DC

Alec J. Koromilas, Chief Judge  
Employees' Compensation Appeals Board

David S. Gerson, Judge  
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge  
Employees' Compensation Appeals Board