



By correspondence dated June 20, 2007, the Office advised appellant of the factual and medical evidence needed to establish his claim. The Office advised appellant that it was “crucial” that his physician submit a report explaining why the diagnosed condition was believed to have been caused or aggravated by employment factors.

Appellant submitted a June 13, 2007 duty status report and treatment notes dated June 13 to and 25, 2007 from Heather H. Hart, a physician’s assistant.

On June 25, 2007 Dr. John B. Robbins, an internist, provided a duty status report diagnosing right wrist tendinitis. He noted that appellant was able to resume full-duty work. In a report dated the same day, Dr. Robbins explained that appellant initially experienced a popping sensation while moving baggage on June 12, 2007 and reported experiencing difficulty while throwing bags thereafter. He diagnosed right wrist tendinitis “probably secondary to overuse or occupational issues.” Dr. Robbins noted that appellant had worn a right wrist splint and worked limited duty for two weeks and that his condition had significantly improved in that time.

By decision dated August 3, 2007, the Office denied appellant’s traumatic injury claim. It found that the medical evidence was insufficient to establish a causal relationship between appellant’s diagnosed condition and the accepted employment incident.

### **LEGAL PRECEDENT**

An employee seeking benefits under the Federal Employees’ Compensation Act<sup>1</sup> 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 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 disabilities and/or specific conditions 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.<sup>4</sup> 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>5</sup> Second, the employee must submit sufficient evidence, generally only in the form of medical evidence to

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

<sup>2</sup> *Elaine Pendleton*, 40 ECAB 1143 (1989).

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

<sup>4</sup> 20 C.F.R. § 10.5(15), (16) defines a traumatic injury as a wound or other caused by a specific event or incident within a single workday or shift, whereas an occupational injury is defined as a condition produced in the work environment over a period longer than a single workday or shift. As appellant’s exposure occurred only during one work shift, it is being treated as a latent or condition arising from a “traumatic” work incident within a single day.

<sup>5</sup> *John J. Carlone*, 41 ECAB 354 (1989); *Elaine Pendleton supra* note 2.

establish that the employment incident caused a personal injury. In this case, the Office has accepted that the incident of exposure occurred as alleged. Therefore, examination of the medical evidence is required.

The medical evidence required to establish causal relationship generally is rationalized medical opinion 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> The opinion of the physician must be based on a complete factual and medical background of the claimant<sup>7</sup> and must be one of reasonable medical certainty<sup>8</sup> explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.<sup>9</sup>

### ANALYSIS

The Board notes that appellant established that he experienced the employment incident as alleged. However, he did not meet his burden of proof in establishing that the accepted employment incident caused his diagnosed condition.

In support of his claim, appellant submitted reports from both Ms. Hart and Dr. Robbins. Ms. Hart is a physician's assistant and as such, her reports do not constitute competent medical evidence for purposes of establishing causal relationship.<sup>10</sup> Whether a particular injury causes an employee disability for employment is a medical issue which must be resolved by competent medical evidence.<sup>11</sup> Accordingly, Ms. Hart's reports are not probative on the question of causal relationship.

On June 25, 2007 Dr. Robbins opined that appellant's right wrist tendinitis was "probably secondary to overuse or occupational issues." He noted appellant's history of injury on June 12, 2007 and difficulty throwing bags thereafter. However, Dr. Robbins did not present a detailed medical opinion, with rationale, directly linking the June 12, 2007 employment incident with appellant's diagnosed condition. As noted, to be considered rationalized medical evidence sufficient to establish causal relationship, a physician's opinion must present detailed rationale and explanation and be based on a complete factual and medical background.<sup>12</sup> Dr. Robbins' June 25, 2007 report lacks sufficient explanation or rationale to establish the relationship

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<sup>6</sup> *Conard Hightower*, 54 ECAB 796 (2003); *Leslie C. Moore*, 52 ECAB 132 (2000).

<sup>7</sup> *Tomas Martinez*, 54 ECAB 623 (2003); *Gary J. Watling*, 52 ECAB 278 (2001).

<sup>8</sup> *John W. Montoya*, 54 ECAB 306 (2003).

<sup>9</sup> *Judy C. Rogers*, 54 ECAB 693 (2003).

<sup>10</sup> See *George H. Clark*, 56 ECAB 162, 167 (2004) (a physician's assistant is not a physician as defined under the Act and any report from such individual does not constitute competent medical evidence).

<sup>11</sup> *Paul E. Thams*, 56 ECAB 503, 509 (2005).

<sup>12</sup> *Martinez, Watling, supra* note 7; *Rogers, supra* note 9.

between the June 12, 2007 employment incident and appellant's diagnosed right wrist tendinitis. He failed to explain how the popping sensation appellant described resulted to right wrist tendinitis. Dr. Robbins' statement that appellant's condition was "probably secondary to overuse or occupational issues" is speculative and equivocal in nature<sup>13</sup> and does not support a traumatic injury occurring in the course of only one shift. He also provided a June 25, 2007 duty status report noting that appellant was capable of performing a full-duty assignment. The Board finds that this report is not probative on the issue of causal relationship, as it offers no specific opinion on causation.<sup>14</sup> Accordingly, the Board concludes that the opinion of Dr. Robbins is insufficient to establish the causal relationship between appellant's diagnosed condition and the accepted employment incident.

### **CONCLUSION**

The Board finds that appellant did not meet his burden of proof in establishing that he sustained a traumatic injury in the performance of duty.

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<sup>13</sup> See *Leonard J. O'Keefe*, 14 ECAB 42, 48 (1962) (where the Board held that medical opinions based upon an incomplete history or which are speculative or equivocal in character have little probative value).

<sup>14</sup> See *A.D.*, 58 ECAB \_\_\_\_ (Docket No. 06-1183, issued November 14, 2006) (medical evidence which does not offer any opinion regarding the cause of an employee's condition is of limited probative value on the issue of causal relationship).

**ORDER**

**IT IS HEREBY ORDERED THAT** the August 3, 2007 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: April 8, 2008  
Washington, DC

David S. Gerson, Judge  
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board

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