

the claim as he was unaware the injury could be compensable.¹ Deborah Scott, appellant's supervisor, stated that she had no knowledge of the injury prior to June 7, 2007. She noted that appellant was on duty at the time of the alleged incident.

In a July 6, 2007 letter, the Office advised appellant to submit witness statements or other documentation corroborating his account of biting the popcorn kernel on August 8, 2006. The Office explained the importance of submitting rationalized medical evidence explaining how and why biting the kernel would have fractured the tooth. Appellant was afforded 30 days to submit additional evidence.

In a July 10, 2007 report (Form CA-20), Dr. John Petrie, an attending doctor of dental surgery, noted treating appellant for the claimed injury beginning on February 17, 2007. He stated that appellant "was eating popcorn while working on August 8, 2006, when he bit into a popcorn kernel and broke his 13th tooth." Dr. Petrie diagnosed a cracked mesial margin of the 13th tooth, largely restored and awaiting a crown. He checked a box "yes" indicating his support for causal relationship, noting that the "injury occurred while [appellant] was on duty."

By decision dated August 20, 2007 and reissued November 13, 2007, the Office denied appellant's claim on the grounds that causal relationship was not established. The Office accepted appellant's account of biting the popcorn kernel as factual. It found, however, that Dr. Petrie's report was insufficiently rationalized to meet appellant's burden of proof.

LEGAL PRECEDENT

An employee seeking benefits under the Act² 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; that an injury was sustained while 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.³ These are the essential elements of each and every compensation claim regardless of whether the claim is predicated on a traumatic injury or an occupational disease.⁴

In order to determine whether an employee sustained a traumatic injury in the performance of duty, the Office begins with an analysis of whether "fact of injury" has been established. Generally, fact of injury consists of two components that must be considered

¹ In a July 20, 2007 letter, appellant noted that he delayed seeking treatment as he was not in pain. Also, he was unaware that the Federal Employees' Compensation Act could afford coverage to dental injuries.

² 5 U.S.C. §§ 8101-8193.

³ *Joe D. Cameron*, 41 ECAB 153 (1989).

⁴ *See Irene St. John*, 50 ECAB 521 (1999); *Michael E. Smith*, 50 ECAB 313 (1999).

jointly. First, the employee must submit sufficient evidence to establish that he or she actually experienced the alleged employment incident.⁵ 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.⁶

ANALYSIS

Appellant asserted that he sustained a broken tooth number 13 on August 8, 2006 when he bit a popcorn kernel at work. The Office accepted that the incident occurred as alleged. However, it denied the claim on the grounds that the medical evidence submitted was insufficiently rationalized to establish that the accepted incident caused the broken tooth.

Dr. Petrie, an attending dentist, submitted a July 10, 2007 form report indicating that appellant broke his 13th tooth on August 8, 2006 when he bit a popcorn kernel while eating on duty. He diagnosed a cracked the mesial margin of the 13th tooth, requiring a restoration and crown. Dr. Petrie checked a box “yes” to suggest causal relationship. The Board has held that a physician’s opinion that consists of checking a box on a form report is of diminished probative value in establishing causal relationship.⁷ No rationale or explanation was provided by Dr. Petrie on the issue of causal relationship.⁸ The medical evidence of record is not sufficient to establish appellant’s claim.

CONCLUSION

The Board finds that appellant did not submit sufficient medical evidence to establish his claim for compensation.

⁵ *Gary J. Watling*, 52 ECAB 278 (2001).

⁶ *Deborah L. Beatty*, 54 ECAB 340 (2003).

⁷ *Calvin E. King*, 51 ECAB 394 (2000).

⁸ *Sedi L. Graham*, 57 ECAB 494 (2006).

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated November 13, 2007 be affirmed.

Issued: June 13, 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