

Dr. Fredric Cogan, a family practitioner, completed a Form CA-16, authorization for examination and/or treatment on July 10, 2008.¹ He noted that appellant reported a previous heel spur and indicated that there was a history of a concurrent or preexisting injury. Dr. Cogan also indicated with a checkmark “yes” that he believed this condition was caused or aggravated by employment activities. He completed a duty status report on July 16, 2008 and stated that appellant had a right heel spur. In a July 16, 2008 note, Dr. Cogan diagnosed bilateral large heel spurs. He stated that appellant had a recurrence of a heel spur on his right foot causing him to limp.

In a letter dated July 16, 2008, the Office requested additional factual and medical information from appellant regarding his alleged employment injury. It allowed 30 days for a response.

By decision dated August 18, 2008, the Office denied appellant’s claim finding that there was insufficient factual evidence to establish an employment incident on July 10, 2008.²

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees’ Compensation Act³ 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 disability and/or specific condition for which compensation is claimed are causally related to the employment injury. 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.⁴

The Office’s regulations define a traumatic injury as a condition of the body caused by a specific event or incident, or series of events or incidents, within a single workday or shift. Such condition must be caused by external force, including stress or strain, which is identifiable as to time and place of occurrence and member or function of the body affected.⁵ To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it must

¹ Where an employing establishment properly executes a Form CA-16 which authorizes medical treatment as a result of an employee’s claim for an employment-related injury, the Form CA-16 creates a contractual obligation, which does not involve the employee directly, to pay for the cost of the examination or treatment regardless of the action taken on the claim. *Tracey P. Spillane*, 54 ECAB 608, 610 (2003). The employing establishment properly executed the Form CA-16 in this case, completing the front and checking section 6B of the form as it doubted that appellant’s heel spur had been caused or aggravated by employment factors. Thus, appellant is entitled to payment of medical treatment provided by Dr. Cogan pursuant to the Form CA-16.

² Appellant submitted additional new evidence on appeal. As the Office did not consider this evidence in reaching a final decision, the Board may not consider the evidence in reaching its decision. 20 C.F.R. § 501.2(c).

³ 5 U.S.C. §§ 8101-8193.

⁴ *Jussara L. Arcanjo*, 55 ECAB 281, 283 (2004).

⁵ 20 C.F.R. § 10.5(ee).

first be determined whether a “fact of injury” has been established. 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. An employee has the burden of establishing the occurrence of an injury at the time, place and in the manner alleged, by the preponderance of the reliable, probative and substantial evidence. An injury does not have to be confirmed by eyewitnesses in order to establish the fact that the employee sustained an injury in the performance of duty, but the employee’s statements must be consistent with the surrounding facts and circumstances and his subsequent course of action. An employee has not met his burden of proof where there are such inconsistencies in the evidence as to cast serious doubt upon the validity of the claim.⁶

The employee must also submit sufficient evidence, generally only in the form of medical evidence, to establish that the employment incident caused a personal injury. 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. The opinion of the physician must be based on a complete factual and medical background of the claimant, must be one of reasonable medical certainty and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.⁷

ANALYSIS

Appellant alleged that he sustained a traumatic injury on July 10, 2008 which resulted in a recurrence of his right heel spur. While he has provided a consistent date of injury, he has not provided any factual description of how his alleged traumatic injury occurred. Appellant has not provided a statement describing how he believed his heel spur was caused or aggravated by a specific event or incident, or series of events or incidents, within a single workday or shift. He did not implicate an external force, including stress or strain, identifiable as to time and place of occurrence which he felt resulted in his diagnosed condition of right heel spur. Without any factual statements from appellant detailing his employment, he has not met his burden of proof in establishing a traumatic injury claim.

CONCLUSION

The Board finds that appellant has not submitted sufficient factual evidence to establish his traumatic injury claim.

⁶ See Gary J. Watling, 52 ECAB 278 (2001).

⁷ See Allen C. Hundley, 53 ECAB 551 (2002).

ORDER

IT IS HEREBY ORDERED THAT August 18, 2008 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: June 8, 2009
Washington, DC

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

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

James A. Haynes, Alternate Judge
Employees' Compensation Appeals Board