United States Department of Labor
Employees' Compensation Appeals Board

R.D., Appellant	)	
and	)	**Docket No. 09-678**
	)	**Issued: November 2, 2009**
U.S. POSTAL SERVICE, POST OFFICE, Raleigh, NC, Employer	)	

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:
COLLEEN DUFFY KIKO, Judge
MICHAEL E. GROOM, Alternate Judge
JAMES A. HAYNES, Alternate Judge

JURISDICTION

On January 9, 2009 appellant filed a timely appeal of the decision of the Office of Workers' Compensation Programs dated November 12, 2008 denying his claim for a traumatic injury. Pursuant to 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 established that he sustained an injury in the performance of duty on September 28, 2008, as alleged.

FACTUAL HISTORY

On September 28, 2008 appellant, then a 39-year-old mail handler, filed a traumatic injury claim alleging that on that date he injured his left knee and back while pulling mail from a stationary truck trailer. On the reverse of the claim form, his supervisor advised that he was seen at North State Hospital by Dr. Goodwin.

By letter dated October 8, 2008, the Office notified appellant that the evidence was insufficient to establish his claim as there was no medical evidence containing a diagnosis of any

condition arising from the September 28, 2008 incident. It advised him to explain how the injury occurred as well as the time it occurred and to provide a medical narrative from his treating physician containing a diagnosis and a rationalized opinion as to the cause of his condition. Appellant was given 30 days to provide the requested information.

On October 14, 2008 the Office received a September 29, 2008 authorization for examination and/or treatment (Form CA-16) and a September 30, 2008 attending physician's report (Form CA-20) by a Dr. Goodwin.[1] The employing establishment authorized treatment with Dr. Goodwin at North State Medical Center. In the attending physician's report, Dr. Goodwin diagnosed knee pain. Under history of injury, the physician noted that appellant injured his right knee approximately one month ago when he fell. On September 29, 2008 Dr. Goodwin noted that appellant jarred his back and hit his knees while driving a piece of equipment. The physician checked "yes" to the question of whether the injury was employment related. Dr. Goodwin noted that appellant had a history of injury and fall on his right knee in the prior month.

By decision dated November 12, 2008, the Office found that the September 28, 2008 left knee incident occurred as alleged. However, appellant's claim was denied as the medical evidence did not provide a diagnosis other than knee pain and did not attribute it to the September 28, 2008 injury. The Office found that in the absence of medical opinion evidence containing a diagnosis in connection with the workplace exposure, appellant failed to establish that he sustained an injury on September 28, 2008, as alleged.

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees' Compensation Act[2] has the burden of establishing the essential elements of his 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]

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.[5] 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.[6] Second, the

[1] No first name was given on the form.

[2] 5 U.S.C. §§ 8101-8193.

[3] *C.S.*, 60 ECAB ___ (Docket No. 08-1585, issued March 3, 2009).

[4] *S.P.*, 59 ECAB ___ (Docket No. 07-1584, issued November 15, 2007); *Joe D. Cameron*, 41 ECAB 153 (1989).

[5] *B.F.*, 60 ECAB ___ (Docket No. 09-60, issued March 17, 2009).

[6] *D.B.*, 58 ECAB ___ (Docket No. 07-440, issued April 23, 2007).

employee must submit sufficient evidence, generally only in the form of medical evidence, to establish that the employment incident caused a personal injury.[7]

Causal relationship is a medical issue and the medical evidence generally required to establish causal relationship is rationalized medical opinion evidence.[8] Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized opinion on whether there is a causal relationship between the employee's diagnosed condition and the compensable employment factors.[9] The opinion of the physician must be based on a complete factual and medical background of the employee, 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 employee.[10]

ANALYSIS

Appellant alleged that he sustained injury to his back and left knee on September 28, 2008 when he pulled mail from a truck trailer. The Office accepted that the employment incident occurred as alleged. Appellant sought treatment at North State Medical Center on September 29, 2008. In a September 30, 2008 CA-20 form, appellant provided a history of falling on his right knee one month prior and hitting his knees and jarring his back on September 29, 2008. The medical evidence, however, is deficient as it fails to provide a firm diagnosis; and provides no narrative opinion on causal relationship between any diagnosed condition and the employment incident.

Dr. Goodwin noted right knee pain under diagnosis, which is a description of the symptoms rather than a clear diagnosis of the medical condition.[11] The physician reported that appellant had findings of knee and back pain without providing further explanation. It is well established that the checking of a box yes, without more by way of medical rationale, is of little probative value in establishing causal relationship.[12] While an opinion on causal relationship may not require extensive explanation, this is not a case of a clear-cut injury that requires no explanation.[13] Moreover, Dr. Goodwin attributed appellant's condition to an injury sustained

[7] *C.B.*, 60 ECAB ___ (Docket No. 08-1583, issued December 9, 2008); *D.G.*, 59 ECAB ___ (Docket No. 08-1139, issued September 24, 2008)

[8] *Y.J.*, 60 ECAB ___ (Docket No. 08-1167, issued October 7, 2008); *A.D.*, 58 ECAB ___ (Docket No. 06-1183, issued November 14, 2006).

[9] *J.J.*, 60 ECAB ___ (Docket No. 09-27, issued February 10, 2009).

[10] *I.J.*, 59 ECAB ___ (Docket No. 07-2362, issued March 11, 2008); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

[11] The Board notes that the employing establishment issued a Form CA-16. 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 or treatment regardless of the action taken on the claim. *Tracey P. Spillane*, 54 ECAB 608 (2003); *Elaine M. Kreymborg*, 41 ECAB 256, 259 (1989); *Pamela A. Harmon*, 37 ECAB 263 (1986). The Office did not address the issue in the November 12, 2008 decision.

[12] *See D.D.*, 57 ECAB 734 (2006); *Barbara J. Williams*, 40 ECAB 649 (1989).

[13] The Office has recognized that in certain clear-cut traumatic injuries, such as a fall from a scaffold with a broken arm, may require only an affirmative statement to establish causal relationship. Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.805.3(d)(2) (June 1995).

during the prior month or on September 29, 2008, the following day. The physician's report does not explain how the accepted employment-related incident resulted in any diagnosis or disability for work. There is no medical evidence confirming its origin and its relationship to the accepted employment incident.

As noted, appellant must submit a narrative medical report from a physician with a complete factual and medical history which explains how the September 28, 2008 work incident caused a diagnosed medical condition. The physician's medical rationale explaining causal relationship is critical to appellant's claim. Appellant failed to provided a medical opinion finding a specific diagnosis and explaining how this condition related to the September 28, 2008 employment incident. He has not met his burden of proof in establishing the claim.

CONCLUSION

The Board finds that appellant has not established that he sustained an injury on September 28, 2008, as alleged.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated November 12, 2008 is affirmed.

Issued: November 2, 2009
Washington, DC

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

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

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