

FACTUAL HISTORY

On August 30, 2010 appellant, then a 43-year-old rural carrier associate, filed a traumatic injury claim alleging that she sustained injury on August 28, 2010 as a result of her employment. She explained that, while delivering mail on her mail route, a foreign object entered the vehicle window and lodged in her right eye.

In support of her claim, appellant submitted a chart report from a hospital emergency room; however, the report is illegible. She also submitted a fully executed Form CA-16, which was issued on September 1, 2010 to the University Health Care Systems. This form authorized office and/or hospital treatment as medically necessary for the effects of the August 28, 2010 injury.

On September 10, 2010 OWCP advised appellant that the emergency room report was illegible. It requested additional evidence, including a medical report containing a diagnosis of appellant's condition and medical rationale explaining how the condition was causally related to the August 28, 2010 employment activities. No further evidence was received by OWCP.

By decision dated October 14, 2010, OWCP denied appellant's claim on the grounds that the medical evidence was not sufficient to establish that a medical condition was diagnosed in connection with the claimed incident.

LEGAL PRECEDENT

An employee seeking benefits under FECA³ has the burden to establish the essential elements of her claim including the fact that the individual is an employee of the United States within the meaning of FECA, that the claim was timely filed, that an injury was sustained in the performance of duty as alleged and that any disability or medical condition for which compensation is claimed is causally related to the employment injury.⁴

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it first must be determined whether the fact of injury has been established. There are two components involved in establishing the fact of injury. 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.⁵ Second, the employee must submit evidence, in the form of medical evidence, to establish that the employment incident caused a personal injury.⁶

To establish a causal relationship between a claimant's condition and any attendant disability claimed and the employment event or incident, she must submit rationalized medical

³ 5 U.S.C. §§ 8101-8193.

⁴ *Steven S. Saleh*, 55 ECAB 169 (2003); *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁵ *Bonnie A. Contreras*, 57 ECAB 364, 367 (2006); *Edward C. Lawrence*, 19 ECAB 442, 445 (1968).

⁶ *T.H.*, 59 ECAB 388 (2008); *John J. Carlone*, 41 ECAB 354, 356-57 (1989).

opinion evidence based on a complete factual and medical background supporting such a causal relationship. Rationalized medical opinion evidence is medical evidence which includes a physician's 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

OWCP accepted that the August 28, 2010 incident occurred as alleged, a foreign body flew into appellant's right eye while she was delivering her route. The Board finds that appellant has submitted insufficient medical evidence to establish that she sustained an injury causally related to this incident.

In support of her claim, appellant submitted the chart report from a hospital emergency department. This report is illegible, and therefore it cannot be determined whether the report contained a history of injury, diagnosis of her condition or a physician's opinion regarding the cause of such condition. OWCP advised appellant that the report was illegible and of her responsibility to provide a comprehensive medical report which included the dates of examination and treatment, history and date of injury given by the physician, detailed description of findings, results of all laboratory tests, diagnosis and clinical course of treatment followed, and the doctor's opinion, with medical reasons, as to the cause of her condition. Appellant failed to submit any medical documentation in response to OWCP's request. As there is no probative, rationalized medical report containing a history of injury, diagnosis of her condition and rationale addressing how her claimed injuries were caused by her employment, appellant has not met her burden of proof in establishing that she sustained a traumatic injury in the performance of duty on August 28, 2010.

The Board notes that the Office issued a Form CA-16 to the University Health Care Systems on September 1, 2010. A properly executed CA-16 form creates a contractual obligation, which does not involve the employee directly, to pay the cost of the examination or treatment regardless of the action taken on the claim. As the CA-16 was properly executed, on return of the case record OWCP shall consider entitlement for medical expense compensation as appropriate pursuant to this CA-16 form.⁸

CONCLUSION

The Board finds that appellant failed to establish that she sustained an injury on August 28, 2010 while in the performance of duty.

⁷ Gary J. Watling, 52 ECAB 278 (2001); Shirley A. Temple, 48 ECAB 404 (1997).

⁸ See Elaine M. Kreymborg, 41 ECAB 256 (1989); see also 5 U.S.C. § 8103. This section of FECA requires that OWCP provide all medical care necessary as a result of an employment injury.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated October 14, 2010 is affirmed. The case is remanded for further development consistent with this opinion regarding the issue of medical expense.

Issued: August 11, 2011
Washington, DC

Richard J. Daschbach, Chief Judge
Employees' Compensation Appeals Board

Alec J. Koromilas, Judge
Employees' Compensation Appeals Board

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