

**United States Department of Labor
Employees' Compensation Appeals Board**

T.C., Appellant)

and)

**DEPARTMENT OF AGRICULTURE, FOOD
SAFETY & INSPECTION SERVICE,
Hickory, KY, Employer**)

**Docket No. 10-1370
Issued: January 12, 2011**

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

Case Submitted on the Record

DECISION AND ORDER

Before:

ALEC J. KOROMILAS, Chief Judge
COLLEEN DUFFY KIKO, Judge
JAMES A. HAYNES, Alternate Judge

JURISDICTION

On April 20, 2010 appellant filed a timely appeal from a March 9, 2010 merit decision of the Office of Workers' Compensation Programs. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of the case.

ISSUE

The issue is whether appellant has met her burden to establish that she sustained a traumatic injury in the performance of duty on June 22, 2009.

FACTUAL HISTORY

On July 17, 2009 appellant, then a 52-year-old consumer safety inspector, filed a traumatic injury claim alleging that she sustained a right thumb and wrist injury on June 22, 2009 while examining chickens on an evisceration line and "pulling the flaps open." She did not stop working.

In a July 24, 2009 letter, the Office informed appellant that additional evidence was needed to establish her claim. It gave her 30 days to submit medical reports detailing any treatment from a physician, clinic or hospital. In particular, the Office emphasized that the physician's report must include dates of examination and treatment, history of injury, a detailed description of findings, results of x-rays and laboratory tests, diagnosis and clinical course of treatment followed and the physician's opinion supported by a medical explanation pertaining to how the reported work incident caused the injury.

By decision dated September 2, 2009, the Office denied appellant's claim for compensation benefits on the grounds that she failed to provide factual and medical evidence demonstrating that she sustained a work-related injury.

In a December 24, 2009 letter, appellant requested reconsideration,¹ asserting that she continued to have wrist and thumb pain. She included with her letter a July 20, 2009 magnetic resonance imaging (MRI) report from Dr. Bradley L. Williams, a Board-certified diagnostic radiologist, who noted that appellant presented with complaints of right wrist pain. Dr. Williams stated that the testing revealed an abnormal enlargement of the dorsal extensor tendons at the first compartment with edema within the surrounding soft tissue, consistent with de Quervain's tenosynovitis.

By decision dated March 9, 2010, the Office denied modification of its September 2, 2009 decision, finding that Dr. Williams' MRI scan evaluation did not establish that she sustained an injury related to her federal employment.

LEGAL PRECEDENT

An employee seeking compensation under the Federal Employees' Compensation Act² has the burden of establishing the essential elements of her claim by the weight of reliable, probative and substantial evidence,³ including that she is an "employee" within the meaning of the Act and that she filed her claim within the applicable time limitation.⁴ The employee must also establish that she sustained an injury in the performance of duty as alleged and that her disability for work, if any, was causally related to the employment injury.⁵

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it first must be determined whether fact of injury has been established. There are two components involved in establishing fact of injury. First, the employee must submit sufficient evidence to establish that she actually experienced the employment incident at

¹ Appellant's letter to the Office noted that she "appealed" the September 2, 2009 decision. On January 4, 2010 the Office asked her to indicate precisely which appeal right she wished to pursue. Appellant clarified that she sought reconsideration.

² 5 U.S.C. §§ 8101-8193.

³ *J.P.*, 59 ECAB 178 (2007); *Joseph M. Whelan*, 20 ECAB 55, 57 (1968).

⁴ *R.C.*, 59 ECAB 427 (2008).

⁵ *Id.*; *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

the time, place and in the manner alleged. Second, the employee must submit evidence, in the form of medical evidence, to establish that the employment incident caused a personal injury.⁶

Causal relationship is a medical issue and the evidence generally required to establish causal relationship is rationalized medical opinion evidence. Rationalized medical opinion evidence is 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, 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

The evidence supports that appellant was examining chickens and opening flaps as alleged on June 22, 2009. However, she has not submitted sufficient medical evidence to establish that this work-related incident caused or aggravated a right thumb and wrist injury.

Appellant submitted Dr. Williams' July 20, 2009 MRI scan report, which detailed an abnormal enlargement of the dorsal extensor tendons at the first compartment and edema within the surrounding soft tissue. Dr. Williams advised that the findings were consistent with de Quervain's tenosynovitis. Nonetheless, he did not opine as to the cause of appellant's condition. An MRI scan study that does not offer an opinion regarding the cause of an employee's condition is of diminished probative value on the issue of causal relationship.⁸ Dr. Williams did not note a history of injury nor explain how the diagnosed condition was caused or aggravated by pulling flaps on chickens and other similar duties on June 22, 2009. Without such a medical opinion explaining how particular work duties caused or aggravated a diagnosed medical condition, appellant has not met her burden of proof to establish her claim. Consequently, Dr. Williams' report is insufficient to establish her claim.

CONCLUSION

The Board finds that appellant failed to establish that she sustained a traumatic injury in the performance of duty on June 22, 2009.

⁶ *T.H.*, 59 ECAB 388 (2008).

⁷ *I.J.*, 59 ECAB 408 (2008); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

⁸ *See Conard Hightower*, 54 ECAB 796 (2003).

ORDER

IT IS HEREBY ORDERED THAT the March 9, 2010 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: January 12, 2011
Washington, DC

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

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

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