

<sup>2</sup> The Board notes that, following the issuance of the January 31, 2011 OWCP decision, appellant submitted new evidence. The Board is precluded from reviewing evidence which was not before OWCP at the time it issued its final decision. See 20 C.F.R. § 501.2(c)(1). Appellant may resubmit this evidence, together with a formal written request for reconsideration to OWCP pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. § 10.606.

### **FACTUAL HISTORY**

On December 14, 2010 appellant, then a 40-year-old canine officer, filed a traumatic injury claim alleging that he sustained injury on December 13, 2010 as a result of his employment. His right wrist was injured when his canine jerked unexpectedly on his leash.

By letter dated December 22, 2010, OWCP requested that appellant submit additional evidence including a medical report containing a diagnosis of his condition and medical rationale explaining how the condition was causally related to his employment event.

Appellant submitted a December 14, 2010 radiology report signed by Dr. Robert C. Fountila, an osteopathic physician Board-certified in neuroradiology. This report found that appellant's cortical and articular surfaces were intact, no radiopaque foreign bodies were identified, and there was no evidence of fracture or dislocation. It was noted that there might be soft tissue swelling of the hand.

Appellant submitted an unsigned medical note from the ValleyCare Clinics, dated December 14, 2010, which stated that his right hand had been jerked by a dog. It noted swelling and pain of his right wrist.

In work status reports dated December 14 and 17, 2010, Dr. Maria Coimbra, Board-certified in family practice, described appellant's condition as right wrist pain and swelling. She restricted appellant from using the right hand or wrist, and specifically prohibited any lifting or carrying. A box was checked indicating that further medical care was not anticipated."

By decision dated January 31, 2011, OWCP denied appellant's claim on the grounds that the medical evidence submitted was insufficient to establish fact of injury.

### **LEGAL PRECEDENT**

An employee seeking benefits under the FECA<sup>3</sup> has the burden to establish the essential elements of his 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.<sup>4</sup>

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.<sup>5</sup> Second, the employee must submit evidence, in the form of medical evidence, to establish that the employment incident caused a

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<sup>3</sup> 5 U.S.C. §§ 8101-8193.

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

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

personal injury.<sup>6</sup> Pain is generally a symptom, not a firm medical diagnosis.<sup>7</sup> Similarly, swelling is a symptom and not a definitive diagnosis.<sup>8</sup>

To establish causal relationship between a claimant's condition and the employment event or incident, he must submit rationalized medical 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.<sup>9</sup>

### **ANALYSIS**

OWCP accepted that appellant's dog jerked unexpectedly on his leash. The Board finds that appellant has not met his burden of proof to establish that he sustained an injury to his right hand or wrist as he submitted insufficient medical evidence to establish a firm medical diagnosis as a result of this incident. The medical evidence of record does not provide a diagnosis of appellant's condition or medical rationale explaining causal relation.

While the medical evidence generally stated that appellant experienced right wrist pain, none of the reports related a specific diagnosis as a result of the dog leash incident. Dr. Fountila, the radiologist, advised that there was no evidence of fracture or dislocation involving the right upper extremity. He noted that appellant might have swelling of the hand. Dr. Fountila did not provide a specific diagnosis of a medical condition or address the issue of causal relation. Dr. Coimbra's December 14, 2010 merely noted pain and swelling of the right wrist, but offered no firm diagnosis involving the hand or wrist joint. The reports of record do not offer medical rationale explaining how the canine's leash jerk caused any medical condition. Without a diagnosis of appellant's condition or medical rationale explaining causal relationship between appellant's condition and the workplace incident, the medical reports are of limited probative value.

There is no probative, rationalized medical report containing a specific diagnosis of appellant's condition with rationale addressing how the condition was caused by his employment. Appellant has not met his burden of proof to establish that he sustained a traumatic injury causally related to the accepted incident.

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

<sup>7</sup> *Robert Broome*, 55 ECAB 339, 342 (2004).

<sup>8</sup> *Mildred E. Davis*, Docket No. 93-677 (issued April 13, 1994).

<sup>9</sup> *Gary J. Watling*, 52 ECAB 278 (2001); *Shirley A. Temple*, 48 ECAB 404 (1997).

**CONCLUSION**

The Board finds that appellant failed to establish that he sustained an injury on December 13, 2010 while in the performance of duty.

**ORDER**

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated January 31, 2011 is affirmed.

Issued: November 7, 2011  
Washington, DC

Alec J. Koromilas, Judge  
Employees' Compensation Appeals Board

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

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