

On April 7, 2011 appellant stated that on March 28, 2011 he had arrived at the employing establishment parking lot, parked his car and boarded the shuttle bus. He stated the seats were cramped and uncomfortable and when he got up his left leg felt weak. As appellant was descending the steps, his left leg gave out and began to hurt. According to him, the bus dropped him off in front of the medical center where he works. Appellant also referred to lifting heavy pallets after returning to work on March 30, 2011 and emotional stress as a result of being falsely accused of bringing a gun to work.

Appellant submitted an April 7, 2011 hospital discharge report related to treatment on April 2, 2011 for deep vein thrombosis (DVT). In an attending physician's report (Form CA-20) dated April 12, 2011, Dr. Leo Edwards, an internist, provided a history of swelling in the left leg due to a blood clot. He diagnosed DVT, back strain and emotional stress, checking a box "no" as to whether the conditions were causally related to an employment activity. Dr. Edwards completed a duty status report (Form CA-17) dated April 12, 2011. The description of injury was getting off a bus at front entrance of hospital and the diagnoses "due to injury" were back pain and clot in leg.

By decision dated May 27, 2011, OWCP denied the claim for compensation. It found the medical evidence was insufficient to establish an injury causally related to the employment incident.

By decision dated June 30, 2011, OWCP denied appellant's claim for continuation of pay. It found that the claim was not accepted and therefore he was not entitled to continuation of pay.

Appellant requested a review of the written record. By decision dated October 19, 2011, OWCP's hearing representative affirmed the June 30, 2011 decision.² The hearing representative found that appellant did not sustain a traumatic injury and therefore was not entitled to continuation of pay.

LEGAL PRECEDENT

OWCP regulations provide, in pertinent part, that to be eligible for continuation of pay, an employee must: (1) have a traumatic injury which is job related and the cause of the disability and/or the cause of lost time due to the need for medical examination and treatment; (2) file a Form CA-1 within 30 days of the date of the injury; and (3) begin losing time from work due to the traumatic injury within 45 days of the injury.³

ANALYSIS

Appellant filed a traumatic injury claim within 30 days for an injury on March 28, 2011. OWCP has not, however, accepted a traumatic injury. The claim was denied by decision dated May 27, 2011. Since there is no traumatic injury, there is no employment-related disability.

² The record also contains an October 18, 2011 OWCP's hearing representative decision affirming the denial of the traumatic injury claim. That decision is under review by the Board under Docket No. 12-266. The evidence and arguments submitted on appeal relate to the October 18, 2011 decision.

³ 20 C.F.R. § 10.205(a)

Appellant has not established that he sustained “a traumatic injury which is job related and the cause of the disability and/or the cause of lost time due to the need for medical examination and treatment” as required by OWCP regulations. In the absence of an employment-related disability caused by a traumatic injury, he is not eligible for continuation of pay. The Board finds OWCP properly determined appellant was not entitled to continuation of pay in this case.

Appellant may submit new evidence or argument with a written request for reconsideration to OWCP within one year of this merit decision, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. §§ 10.605 through 10.607.

CONCLUSION

The Board finds that OWCP properly found appellant was not entitled to continuation of pay.

ORDER

IT IS HEREBY ORDERED THAT the decisions of the Office of Workers’ Compensation Programs dated October 19 and June 30, 2011 are affirmed.

Issued: June 11, 2012
Washington, DC

Alec J. Koromilas, Judge
Employees’ Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees’ Compensation Appeals Board

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