

FACTUAL HISTORY

On May 26, 2012 appellant, then a 51-year-old city carrier, filed a traumatic injury (Form CA-1) claiming that he sustained a right groin strain that day when stepping from his postal vehicle at 2:15 p.m. He stopped work on May 26, 2012.

In a May 26, 2012 report, an emergency room physician whose signature is illegible diagnosed an inguinal hernia and took appellant off work.

In a June 4, 2012 letter, OWCP advised appellant that additional factual and medical evidence was needed to establish his claim. It requested a factual statement describing the mechanism of injury and a report from his physician explaining how the May 26, 2012 incident caused the claimed hernia injury. Appellant was afforded 30 days to submit such evidence.

On May 31, 2012 Dr. Christopher R. Watters, an attending Board-certified surgeon, performed a right umbilical and right inguinal hernia repairs surgery with mesh. He held appellant off work from June 6 to 27, 2012. Dr. Watters submitted progress notes.

By decision dated July 9, 2012, OWCP denied appellant's claim finding that fact of injury was not established. It found that he did not provide a sufficient description of how the claimed May 26, 2012 incident occurred.

In an August 30, 2012 letter, appellant requested reconsideration. He stated that on the morning of May 26, 2012, he pushed a large parcel to his delivery vehicle using a mail hamper. When appellant stepped from his postal vehicle to deliver the parcel to a customer, he felt a pull in his right lower quadrant and cried out in pain. The customer's associate assisted him in lifting the parcel from the vehicle. Appellant noted that he was a renal dialysis patient using nocturnal home dialysis equipment.

The postal customer provided a notarized August 20, 2012 statement describing that on May 26, 2012 appellant "opened his vehicle door and as he stepped down, he exclaimed in pain." Her associate then assisted him in unloading a parcel from the delivery vehicle.

Appellant also submitted May 26, 2012 imaging studies of a right inguinal hernia, as well as findings consistent with his use of home renal dialysis. Dr. Watters released appellant to light duty on July 1, 2012 and to full duty on July 31, 2012.

By decision dated October 29, 2012, OWCP modified its July 9, 2012 decision to find that the May 26, 2012 incident occurred at the time, place and in the manner alleged.² It denied the claim finding that causal relationship was not established. OWCP found that appellant did not submit sufficient medical evidence addressing how pushing a mail hamper or stepping from his delivery vehicle caused or contributed to the claimed hernia.

² OWCP's October 29, 2012 decision refers to a May 20, 2012 incident. The Board finds that this is a typographical error.

LEGAL PRECEDENT

An employee seeking benefits under FECA has the burden of establishing the essential elements of his or her claim, including the fact that the individual is an “employee of the United States” within the meaning of FECA; 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

In order to determine whether an employee sustained a traumatic injury in the performance of duty, OWCP begins with an analysis of whether “fact of injury” has been established. Generally, fact of injury consists of two components that must be considered in conjunction with one another. First, the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident that is alleged to have occurred.⁵ Second, the employee must submit sufficient evidence, generally only in the form of medical evidence, to establish that the employment incident caused a personal injury.⁶ Rationalized medical opinion evidence is generally required to establish causal relationship. 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

Appellant claimed that he sustained a right inguinal hernia on May 26, 2012 when he stepped from his delivery vehicle after pushing a hamper of mail earlier that day. OWCP accepted that he stepped from his vehicle on May 26, 2012 as alleged. However, it denied the claim as the medical evidence of record did not support a causal relationship between the accepted incident and the claimed hernia.

In support of his claim, appellant submitted May 26, 2012 imaging studies and an emergency room report diagnosing a right inguinal hernia. These forms do not mention that he stepped from a postal vehicle that day. Dr. Watters, an attending Board-certified surgeon, performed right inguinal and umbilical hernia repairs on May 31, 2012. He submitted progress notes and released appellant to full duty as of July 31, 2012. Dr. Watters however did not address a history of appellant’s May 26, 2012 work activities or attribute the diagnosed hernias

³ *Joe D. Cameron*, 41 ECAB 153 (1989).

⁴ *See Irene St. John*, 50 ECAB 521 (1999); *Michael E. Smith*, 50 ECAB 313 (1999).

⁵ *Gary J. Watling*, 52 ECAB 278 (2001).

⁶ *Deborah L. Beatty*, 54 ECAB 340 (2003).

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

to any work-related cause. As he did not support that stepping from the postal vehicle caused the claimed hernia, Dr. Watters' opinion is insufficient to meet appellant's burden of proof.⁸

The Board notes that OWCP advised appellant by June 4, 2012 letter of the need to submit his physician's opinion explaining how and why work factors would cause the claimed injury. However, appellant did not submit such evidence. Therefore, he failed to meet his burden of proof in establishing causal relationship.

On appeal, appellant asserts that he sustained the claimed hernia after pushing a heavy box at work and that a postal customer wrote a notarized statement supporting his claim. However, as stated above, he submitted insufficient medical evidence to establish the causal relationship asserted. 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 appellant has not established that he sustained a traumatic injury in the performance of duty as alleged.

⁸ *Deborah L. Beatty, supra* note 6.

ORDER

IT IS HEREBY ORDERED THAT the decisions of the Office of Workers' Compensation Programs dated October 29 and July 9, 2012 are affirmed.

Issued: May 16, 2013
Washington, DC

Patricia Howard Fitzgerald, Judge
Employees' Compensation Appeals Board

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

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