

FACTUAL HISTORY

On November 4, 2013 appellant, then a 19-year-old apprentice trainee, filed a traumatic injury claim alleging that on October 26, 2013 he punched a metal door in anger. He noticed right hand pain.

In a letter dated November 20, 2013, OWCP requested that appellant provide additional factual and medical evidence in support of his claim. It allowed 30 days for a response. Appellant submitted a claim for leave without pay dated December 3, 2013. An x-ray report dated November 18, 2013 demonstrated a mildly displaced comminuted fracture of the base of the right fifth metacarpal.

By decision dated January 2, 2014, OWCP denied appellant's claim. It found that he did not submit sufficient medical opinion evidence to establish that the employment incident resulted in a diagnosed medical condition. OWCP noted that the x-ray report dated November 18, 2013 was not a firm diagnosis by a treating physician. Further, it did not provide a history of injury or medical opinion that the diagnosed condition resulted from the accepted employment incident.

LEGAL PRECEDENT

An employee seeking benefits under FECA³ has the burden of establishing the essential elements of his or her claim by the weight of the reliable, probative and substantial evidence, including the fact that the individual is an "employee of the United States" within the meaning of FECA and that the claim was timely filed within the applicable time limitation period of FECA, that an injury was sustained in the performance of duty as alleged and that any disability or specific condition for which compensation is claimed is causally related to the employment injury.⁴ These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁵

OWCP defines a traumatic injury as, "[A] condition of the body caused by a specific event or incident, or series of events or incidents, within a single workday or shift. Such condition must be caused by external force, including stress or strain which is identifiable as to time and place of occurrence and member or function of the body affected."⁶ To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it must first be determined whether a "fact of injury" has been established. 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.⁷ Second, the employee must submit sufficient evidence, generally only in the form a medical evidence, to establish that the

³ 5 U.S.C. §§ 8101-8193.

⁴ *Kathryn Haggerty*, 45 ECAB 383, 388 (1994); *Elaine Pendleton*, 41 ECAB 1143 (1989).

⁵ *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁶ 20 C.F.R. § 10.5(ee).

⁷ *John J. Carlone*, 41 ECAB 354 (1989).

employment incident caused a personal injury.⁸ A medical report is of limited probative value on a given medical question if it is unsupported by medical rationale.⁹ Medical rationale includes a physician's detailed opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment activity. The opinion of the physician must be based on a complete factual and medical background of the claim, must be one of reasonable medical certainty and must be supported by medical reasoning explaining the nature of the relationship between the diagnosed condition and specific employment activity or factors identified by the claimant.¹⁰

ANALYSIS

Appellant filed a traumatic injury claim alleging that he injured his right hand in the performance of duty after punching a door on October 26, 2013. OWCP accepted that the employment incident occurred at the time, place and in the manner alleged. The Board finds, however, that the medical evidence is insufficient to establish that the employment incident resulted in a diagnosed medical condition.

The only medical evidence before the Board is the November 18, 2013 x-ray report. This is a diagnostic study and does not provide a history of or any medical opinion addressing how the October 26, 2013 employment incident resulted in the diagnosed fracture. Without a probative opinion from a physician addressing appellant's history of injury on October 26, 2013, appellant has not submitted sufficient medical opinion evidence to meet his burden of proof.

CONCLUSION

The Board finds that appellant failed to submit the necessary medical opinion evidence to establish that he sustained a traumatic injury on October 26, 2013 as alleged.

⁸ *J.Z.*, 58 ECAB 529 (2007).

⁹ *T.F.*, 58 ECAB 128 (2006).

¹⁰ *A.D.*, 58 ECAB 149 (2006).

ORDER

IT IS HEREBY ORDERED THAT the January 2, 2014 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: July 24, 2014
Washington, DC

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

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

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