

thumb. The employing establishment provided appellant with an authorization for examination or treatment, Form CA-16.

OWCP requested additional factual and medical evidence in a letter dated April 19, 2013. Dr. Anbu K. Nadar, a Board-certified orthopedic surgeon, completed a form report on May 13, 2013 and diagnosed sprained right thumb. He indicated that appellant provided a history of injuring her right thumb at work and indicated with a checkmark “yes” that her condition was caused or aggravated by an employment activity.

By decision dated May 22, 2013, OWCP denied appellant’s claim on the grounds that she failed to establish a causal relationship between her accepted employment incident and her diagnosed right thumb strain.

Appellant requested a review of the written record on June 6, 2013 by an OWCP hearing representative. Dr. Nadar completed a report on June 4, 2013 and stated that he examined appellant on April 16, 2013 for a work-related injury. He stated that appellant picked up a tub of magazines weighing 10 to 15 pounds and hurt her right thumb. Dr. Nadar reported that appellant stated that it felt like her thumb popped and she experienced pain and swelling. He treated appellant for a sprain of the right thumb. Dr. Nadar stated, “It [i]s my opinion her current symptoms to her right thumb are causally related to the work-related injury of April 16, 2013.”

Appellant submitted a narrative statement asserting that on April 16, 2013 she reached to pick up a tub of flats including magazines and felt a severe pain in her right thumb causing her to drop the tub. Her thumb began to swell and the pain worsened. Appellant sought treatment from Dr. Nadar and returned to work on July 12, 2013 with continued thumb pain and swelling.

By decision dated November 20, 2013, an OWCP hearing representative found that appellant had established that she lifted a tub of mail on April 16, 2013 and felt pain in her right thumb. He further found that the medical evidence was not sufficient to establish that any diagnosed condition was causally related to this incident.

LEGAL PRECEDENT

An employee seeking benefits under FECA² 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.³ 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.⁴

² 5 U.S.C. §§ 8101-8193.

³ *Kathryn Haggerty*, 45 ECAB 383, 388 (1994); *Elaine Pendleton*, 41 ECAB 1143 (1989).

⁴ *Victor J. Woodhams*, 41 ECAB 345 (1989).

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.”⁵ 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.⁶ Second, the employee must submit sufficient evidence, generally only in the form a medical evidence, to establish that the employment incident caused a personal injury.⁷ A medical report is of limited probative value on a given medical question if it is unsupported by medical rationale.⁸ 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.⁹

ANALYSIS

Appellant filed a traumatic injury claim alleging that on April 16, 2013 she injured her right thumb lifting a tub of mail. She has submitted sufficient factual evidence to establish that the employment incident occurred as alleged. Appellant also submitted medical evidence from Dr. Nadar diagnosing a right thumb strain. However, the Board finds that Dr. Nadar’s reports are not sufficiently detailed and well-reasoned to establish a causal relationship between appellant’s diagnosed condition and her employment incident.

Dr. Nadar completed a form report on May 13, 2013 and diagnosed sprained right thumb. He noted that appellant provided a history of injuring her right thumb at work. In response to the question of whether her diagnosed condition was due to her employment, Dr. Nadar placed a check mark “yes.” The Board has held that an opinion on causal relationship which consists only of a physician checking “yes” to a medical form report question on whether the claimant’s condition was related to the employment given is of little probative value. Without any explanation or rationale for the conclusion reached, such report is insufficient to establish causal relationship.¹⁰ Dr. Nadar did not provide any explanation for his opinion and this opinion is not

⁵ 20 C.F.R. § 10.5(ee).

⁶ *John J. Carlone*, 41 ECAB 354 (1989).

⁷ *J.Z.*, 58 ECAB 529 (2007).

⁸ *T.F.*, 58 ECAB 128 (2006).

⁹ *A.D.*, 58 ECAB 149 (2006).

¹⁰ *Lucrecia M. Nielson*, 41 ECAB 583, 594 (1991).

sufficient to establish a causal relationship between appellant's diagnosed right thumb sprain and her employment incident.

Following OWCP's denial of her claim, appellant submitted additional medical evidence from Dr. Nadar, dated June 4, 2013, who stated that he examined her on April 16, 2013 for a work-related injury and that she picked up a tub of magazines weighing 10 to 15 pounds resulting in pain in her right thumb. Dr. Nadar diagnosed sprain of the right thumb. He stated, "It [i]s my opinion her current symptoms to her right thumb are causally related to the work-related injury of April 16, 2013." While Dr. Nadar provided a clear opinion that he believed that appellant's right thumb condition was due to her accepted employment incident, he failed to provide the necessary medical reasoning explaining how the lifting incident resulted in a thumb sprain. As he did not provide a detailed explanation of how lifting a tub of mail could result in appellant's right thumb sprain, his report is not sufficient to meet appellant's burden of proof.¹¹

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 submitted the necessary medical opinion evidence to establish that she sustained a traumatic injury in the performance of duty on April 16, 2013, as alleged.

¹¹ Where an employing establishment properly executes a Form CA-16, which authorizes medical treatment as a result of an employee's claim for an employment-related claim, it creates a contractual obligation to pay for the cost of the treatment regardless of the action taken on the claim. *Tracey P. Spillane*, 54 ECAB 608 (2003).

ORDER

IT IS HEREBY ORDERED THAT the November 20, 2013 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: June 24, 2014
Washington, DC

Patricia Howard Fitzgerald, Acting Chief Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

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