

FACTUAL HISTORY

This is the second appeal in this case. In a decision dated December 18, 2012, the Board affirmed a March 13, 2012 decision which denied appellant's claim for a traumatic injury.² The facts and circumstances of the case up to that point are set forth in the Board's prior decision and incorporated herein by reference.³

On December 18, 2012 appellant, through his attorney, requested reconsideration. Appellant asserted that OWCP erred in concluding that he had not presented sufficient evidence to support his claim for compensation. He noted the general legal principles for establishing a traumatic injury claim including fact of injury and causation. Appellant renewed his previous argument made in support of the new medical evidence. He resubmitted the December 2, 2011 report from Dr. Drachman and an OWCP questionnaire dated December 9, 2011, both previously of record.

In a May 7, 2013 decision, OWCP denied modification of a December 18, 2012 decision finding that the medical evidence did not demonstrate that the claimed condition was causally related to the established work-related events.

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 of FECA, that an injury was sustained 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. 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

To determine whether an employee actually sustained an 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 which must be considered in conjunction with one another. The first component to be established is that the employee actually experienced the employment incident which is alleged to have occurred.⁵ The second component of fact of injury is whether the employment incident caused a personal injury and generally can be established only by medical evidence. To establish a causal relationship between the condition, as well as any attendant disability claimed and the employment event or incident, the employee

² Docket No. 12-1130 (issued December 18, 2012).

³ On November 1, 2011 appellant, then a 67-year-old revenue agent, filed a traumatic injury claim, alleging that, on October 18, 2011, he developed chest pain and shortness of breath after a fire evacuation drill at the employing establishment building. He stopped work on October 18, 2011.

⁴ *Gary J. Watling*, 52 ECAB 357 (2001).

⁵ *Michael E. Smith*, 50 ECAB 313 (1999).

must submit rationalized medical opinion evidence, based on a complete factual and medical background, supporting such a causal relationship.⁶

Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized 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.⁷ The weight of medical evidence is determined by its reliability, its probative value, its convincing quality, the care of analysis manifested and the medical rationale expressed in support of the physician's opinion.⁸

ANALYSIS

In the instant case, it is not disputed that appellant worked as a revenue agent and that, on October 18, 2011, he walked down five flights of stairs and an additional block after a fire evacuation at the employing establishment. It is also not disputed that he was diagnosed with acute coronary syndrome. However, appellant has not submitted sufficient medical evidence to establish that his acute coronary syndrome was in any way causally related to the October 18, 2011 work incident. He did not submit a rationalized medical report from a physician sufficiently explaining how the October 18, 2011 incident caused or aggravated a diagnosed medical condition.

Appellant asserted that OWCP erred in concluding that he did not present sufficient evidence to support his claim for compensation. Counsel provided an argument with basic general legal principles for establishing a traumatic injury claim including fact of injury and causation; however, he did not explain how these legal standards applied to the facts of his claim. There is no new medical evidence in the record that has not already been reviewed by the Board. Appellant submitted an OWCP questionnaire dated December 9, 2011, however, this document is irrelevant to establish his claim. His claim was denied because he failed to submit rationalized medical evidence establishing that he sustained a cardiac condition causally related to his employment incident of October 18, 2011. This questionnaire is not medical evidence and therefore insufficient to establish appellant's claim.

For these reasons, OWCP properly found that appellant did not meet his burden of proof in establishing his claim.

⁶ *Id.*

⁷ *Leslie C. Moore*, 52 ECAB 132 (2000).

⁸ *Franklin D. Haislah*, 52 ECAB 457 (2001) (medical reports not containing rationale on causal relationship are entitled to little probative value); *Jimmie H. Duckett*, 52 ECAB 332 (2001).

On appeal appellant asserted that Dr. Drachman's December 2, 2011 report supported that exertion could trigger an acute coronary event; however, this report has already been reviewed and found lacking.⁹

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 did not meet his burden of proof to establish that his claimed conditions were causally related to his employment.

ORDER

IT IS HEREBY ORDERED THAT the May 7, 2013 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: March 6, 2014
Washington, DC

Richard J. Daschbach, Chief Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

Alec J. Koromilas, Alternate Judge
Employees' Compensation Appeals Board

⁹ *Supra* note 2.