



By letter dated October 28, 2014, OWCP requested that appellant submit additional factual and medical information, including a detailed report from a physician addressing the causal relationship between any diagnosed condition and the alleged work incident. It also asked that she clarify why she waited over one year to file her traumatic injury claim.

In a November 4, 2014 response, appellant related that she pulled a muscle in her wrist when pulling mail tubs while running a flat sorter. She did not know the time of injury, but stated that it happened during her tour of duty. Appellant told her supervisor about the incident the following day and he instructed her to go to the emergency room.

By decision dated December 5, 2014, OWCP denied appellant's claim as the medical evidence was insufficient to show that she sustained a diagnosed condition causally related to the accepted August 5, 2013 work incident. It noted that she had not submitted any medical evidence in support of her claim.

In an emergency room report dated August 5, 2013, received by OWCP on December 16, 2014, Dr. Paul Johnson, who specializes in sports medicine, evaluated appellant for an injury to her right wrist that occurred the previous evening. He noted that she had "been repetitively working with the arm" and that it "[o]ccurred at work." On examination of the right wrist, Dr. Johnson found "moderate tenderness and swelling located in the radial aspect of the wrist" and reduced motion due to pain. He diagnosed acute pain in the right wrist and tendinitis and indicated that it was a "work[-]related injury."

On February 3, 2015 appellant requested reconsideration. In a decision dated March 3, 2015, OWCP denied modification of its December 5, 2014 decision. It found that Dr. Johnson's opinion was insufficiently rationalized to establish that appellant sustained tendinitis causally related to the August 5, 2013 work incident.

### **LEGAL PRECEDENT**

An employee seeking benefits under FECA<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup>

To determine whether an employee sustained a traumatic injury in the performance of duty, OWCP must determine whether "fact of injury" is established. First, an employee has the burden of demonstrating the occurrence of an injury at the time, place, and in the manner

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<sup>2</sup> 5 U.S.C. § 8101 *et seq.*

<sup>3</sup> *Alvin V. Gadd*, 57 ECAB 172 (2005); *Anthony P. Silva*, 55 ECAB 179 (2003).

<sup>4</sup> *See Elizabeth H. Kramm (Leonard O. Kramm)*, 57 ECAB 117 (2005); *Ellen L. Noble*, 55 ECAB 530 (2004).

alleged, by a preponderance of the reliable, probative, and substantial evidence.<sup>5</sup> Second, the employee must submit sufficient evidence, generally only in the form of medical evidence, to establish a causal relationship between the employment incident and the alleged disability and/or condition for which compensation is claimed.<sup>6</sup> An employee may establish that the employment incident occurred as alleged, but fail to show that his or her disability and/or condition relates to the employment incident.<sup>7</sup>

### ANALYSIS

Appellant alleged that she sustained an injury to her right wrist on August 5, 2013 while pulling tubs of mail. She has established that the August 5, 2013 incident occurred at the time, place, and in the manner alleged. The issue is whether the medical evidence establishes that appellant sustained an injury as a result of this incident. The determination of whether an employment incident caused an injury is generally established by medical evidence.<sup>8</sup>

The Board finds that appellant has not established that the August 5, 2013 employment incident resulted in an injury.

Evidence was submitted indicating that Dr. Johnson evaluated appellant at the emergency room on August 5, 2013. Dr. Johnson obtained a history of appellant experiencing pain at work the previous night after performing repetitive employment duties. On examination he found reduced motion of the right wrist due to pain and moderate swelling and tenderness of the right radial wrist. Dr. Johnson diagnosed right wrist pain and tendinitis and stated that the condition was work related. He did not provide any rationale for his findings or explain the mechanism by which performing the repetitive work duties caused the right wrist pain and tendinitis.<sup>9</sup> A mere conclusion without the necessary rationale explaining how and why the physician believes that a claimant's accepted exposure could result in a diagnosed condition is not sufficient to meet a claimant's burden of proof.<sup>10</sup>

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 and 20 C.F.R. §§ 10.605 through 10.607.

### CONCLUSION

The Board finds that appellant has not established that she sustained an injury on August 5, 2013 in the performance of duty.

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<sup>5</sup> *David Apgar*, 57 ECAB 137 (2005); *Delphyne L. Glover*, 51 ECAB 146 (1999).

<sup>6</sup> *Gary J. Watling*, 52 ECAB 278 (2001); *Shirley A. Temple*, 48 ECAB 404, 407 (1997).

<sup>7</sup> *Id.*

<sup>8</sup> *Lois E. Culver (Clair L. Culver)*, 53 ECAB 412 (2002).

<sup>9</sup> *See R.C.*, Docket No. 15-315 (issued May 4, 2015).

<sup>10</sup> *See Beverly A. Spencer*, 55 ECAB 501 (2004).

**ORDER**

**IT IS HEREBY ORDERED THAT** the March 3, 2015 and December 5, 2014 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: August 3, 2015  
Washington, DC

Patricia H. Fitzgerald, Deputy Chief Judge  
Employees' Compensation Appeals Board

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

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