

drawer had been stuck and, when the drawer finally opened, her mouth was hit. The record does not indicate whether she stopped work.

The record contains an unsigned Form CA-16, authorization for treatment form, which noted that appellant sustained an injury to the lip and chipped her tooth from a file cabinet drawer.

Appellant submitted a September 10, 2014 attending physician's report with an illegible signature, which noted that appellant chipped her tooth. The author checked a box marked "No" that appellant's condition was caused or aggravated by the employment activity. Appellant was advised to undergo a comprehensive examination to rule out other dental concerns. She also submitted diagnostic images that were mostly illegible.

In a September 10, 2014 patient note, an unknown provider related that appellant chipped her front tooth at work on the filing cabinet. The provider further noted extensive decay and recommended a crown.

On April 2, 2015 appellant wrote a letter requesting that OWCP adjudicate her workers' compensation claim.

By letter dated April 8, 2015, OWCP informed appellant that her claim was initially accepted as a minor injury, but was being reopened for adjudication at her request. It advised her that the evidence submitted was insufficient to establish her claim and requested additional evidence to demonstrate that she sustained a diagnosed condition causally related to her employment.

In a decision dated June 23, 2015, OWCP accepted that the September 9, 2014 incident occurred as alleged and that she sustained a broken front tooth, but OWCP denied the claim due to insufficient medical evidence that her condition was causally related to the accepted incident.

LEGAL PRECEDENT

An employee seeking benefits under FECA² has the burden of proof to establish the essential elements of his or her claim by the weight of the reliable, probative, and substantial evidence³ including that he or she sustained an injury in the performance of duty and that any specific condition or disability for work for which he or she claims compensation is causally related to that employment injury.⁴

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it first must be determined whether "fact of injury" has been established.⁵ There are two components involved in establishing the fact of injury. First, the employee must submit sufficient evidence to establish that she actually experienced the employment incident at

² 5 U.S.C. §§ 8101-8193.

³ *J.P.*, 59 ECAB 178 (2007); *Joseph M. Whelan*, 20 ECAB 55, 58 (1968).

⁴ *G.T.*, 59 ECAB 447 (2008); *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

⁵ *S.P.*, 59 ECAB 184 (2007); *Alvin V. Gadd*, 57 ECAB 172 (2005).

the time, place, and in the manner alleged.⁶ Second, the employee must submit evidence, generally only in the form of probative medical evidence, to establish that the employment incident caused a personal injury.⁷ An employee may establish that the employment incident occurred as alleged but fail to show that her disability or condition relates to the employment incident.⁸

OWCP procedures recognize in clear-cut traumatic injury claims, such as a fall resulting in a broken arm, a physician's affirmative statement is sufficient and no rationalized opinion on causal relationship is needed. In all other traumatic injury claims, a rationalized medical opinion supporting causal relationship is required.⁹

ANALYSIS

Appellant alleged that on September 9, 2014 she broke her front, upper left tooth when she was hit in the mouth by a file cabinet drawer. OWCP initially accepted her claim as a minor injury but, upon appellant's request, OWCP reopened her claim on April 2, 2015. By decision dated June 23, 2015, OWCP accepted that the September 9, 2014 incident occurred as described and that appellant sustained a broken tooth, but denied her claim finding insufficient medical evidence to establish that her broken front tooth resulted from the accepted employment incident. The Board finds that appellant failed to establish that her broken front tooth was causally related to the September 9, 2014 employment incident.

Appellant submitted an illegible September 10, 2014 attending physician's report, which noted that appellant chipped her tooth. A box marked "No" had been checked as to whether appellant's condition had been caused or aggravated by the employment incident. The Board finds that the report lacks proper identification as the signature is illegible. The Board has held that reports that are unsigned or that bear illegible signatures cannot be considered as probative medical evidence because they lack proper identification.¹⁰ Accordingly, this report is insufficient to establish appellant's claim.

The record also contains diagnostic reports dated September 16, 2014, an unsigned CA-16 form, and a September 10, 2014 patient note from an unknown provider. While these medical reports relate that appellant chipped her front tooth at work, they are not medical reports as they lack proper identification and are thus of no probative medical value.¹¹ For these reasons, the Board finds that appellant has failed to establish her claim.

The Board notes that in clear-cut traumatic injury claims when the condition is a minor one, a physician's affirmative statement may be sufficient and no rationalized opinion on causal

⁶ *Bonnie A. Contreras*, 57 ECAB 364 (2006); *Edward C. Lawrence*, 19 ECAB 442 (1968).

⁷ *David Apgar*, 57 ECAB 137 (2005); *John J. Carlone*, 41 ECAB 354 (1989).

⁸ *T.H.*, 59 ECAB 388 (2008); *see also Roma A. Mortenson-Kindschi*, 57 ECAB 418 (2006).

⁹ *Id.*

¹⁰ *Thomas L. Agee*, 56 ECAB 465 (2005); *Richard F. Williams*, 55 ECAB 343 (2004).

¹¹ *Id.*

relationship is needed.¹² While appellant submitted medical reports which related that she chipped her tooth at work, none of the reports are qualified medical reports.¹³

On appeal, appellant alleges that her medical provider had explained how her employment injury occurred. Causal relationship is a medical question that must be established by probative medical opinion from a physician.¹⁴ Because appellant has not provided such probative medical evidence in this case, the Board finds that she did not meet her burden of proof to establish her claim.

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 failed to establish that her broken front tooth was causally related to the September 9, 2014 employment incident.

ORDER

IT IS HEREBY ORDERED THAT the June 23, 2015 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: December 22, 2015
Washington, DC

Christopher J. Godfrey, Chief Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board

¹² *Gregory J. Reser*, 57 ECAB 277 (2005).

¹³ *See M.K.*, Docket No. 15-142 (issued March 3, 2015).

¹⁴ *W.W.*, Docket No. 09-1619 (issued June 2, 2010); *David Apgar*, *supra* note 7.