United States Department of Labor
Employees' Compensation Appeals Board

E.P., Appellant	)	
and	)	**Docket No. 14-1540**
	)	**Issued: January 13, 2015**
U.S. POSTAL SERVICE, POST OFFICE, Tampa, FL, Employer	)	

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:
COLLEEN DUFFY KIKO, Judge
PATRICIA HOWARD FITZGERALD, Judge
JAMES A. HAYNES, Alternate Judge

JURISDICTION

On June 30, 2014 appellant filed a timely appeal from a February 13, 2014 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act[1] (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

ISSUE

The issue is whether appellant met her burden of proof to establish a traumatic injury in the performance of duty on December 21, 2013.

FACTUAL HISTORY

On December 23, 2013 appellant, then a 35-year-old rural carrier, filed a traumatic injury claim alleging that on December 21, 2013 while in the performance of duty she was lifting a bundle of telephone books and felt a sharp pain in her left wrist. In response to whether

[1] 5 U.S.C. § 8101 *et seq.*

appellant was injured in the performance of duty, the employing establishment checked the box "yes." Appellant stopped work on December 23, 2013.

In a December 23, 2013 progress note, Dr. Tiffani D. Magee, Board-certified in family medicine, noted that appellant was delivering heavy bundles of telephone books two days earlier when she had pain in her left wrist. She examined appellant and diagnosed a left wrist sprain. In a December 23, 2013 Florida Workers' Compensation form report, Dr. Magee checked a box "yes" that appellant's injury for which treatment was sought was work related. A December 23, 2013 x-ray of the left wrist read by Dr. Michael L. Carlino, Board-certified in family medicine, found no significant osseous abnormalities.

In a December 26, 2013 report, Dr. Saiful Islam, Board-certified in family medicine, noted that appellant presented for follow up of a "workman's comp[ensation] injury." He advised that appellant reported no improvement from the previous visit. Dr. Islam diagnosed sprain and strain of the wrist and prescribed physical therapy. He also completed a Florida Workers' Compensation form and prescribed light-duty restrictions of no lifting over 15 pounds. OWCP also received a December 21, 2012 accident report.

In a January 8, 2014 memorandum, OWCP confirmed that appellant had not returned to work post injury. It was noted that the treating physician released her to light duty on December 21, 2013 but no work was available.

In a letter dated January 9, 2014, OWCP noted that appellant's claim initially appeared to be a minor injury that resulted in minimal or no lost time from work and was not controverted by the employing establishment. It indicated that appellant's claim was administratively handled to allow payment of a limited amount of medical expenses. However, appellant's claim was now being reopened for adjudication. OWCP informed her of the type of evidence needed to support her claim and requested that she submit such evidence within 30 days. It further requested that appellant provide a copy of the initial medical report for which she received treatment on December 23, 2013.

OWCP received: nurses and medical assistant notes dated December 21 and 23, 2013, January 2 and 20, 2014; January 2, 2014 care instructions for de Quervain's disease and Naproxen; copies of Dr. Islam's December 26, 2013 treatment notes; a copy of Dr. Magee's December 23, 2012 report; and a January 23, 2014 job offer.

By decision dated February 13, 2014, OWCP denied appellant's claim as she had failed to submit medical evidence establishing that her claimed injury was causally related to 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 timely filed within the applicable time

limitation period of FECA[2] and that an injury was sustained in the performance of duty.[3] These are the essential elements of each compensation claim, regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.[4]

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it first must be determined whether the fact of injury has been established. There are two components involved in establishing the fact of injury. 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.[5] Second, the employee must submit sufficient evidence, generally only in the form of medical evidence, to establish that the employment incident caused a personal injury.[6]

Rationalized medical opinion evidence is generally required to establish causal relationship. The opinion of the physician must be based on a complete factual and medical background, 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]

ANALYSIS

Appellant alleged that on December 21, 2013 she sustained an injury to her left wrist while lifting a bundle of telephone books in the performance of duty. The evidence supports that the claimed event occurred.

However, the medical evidence is insufficiently rationalized to establish the second component of fact of injury, that the employment incident caused an injury. The medical evidence contains no reasoned explanation as to how the specific employment incident on December 21, 2013 caused or aggravated an injury.[8]

In a December 23, 2013 progress note, Dr. Magee, noted that appellant was delivering heavy bundles of telephone books two days prior when she experienced pain in her left wrist. She examined appellant and diagnosed a left wrist sprain. This report is of limited probative

[2] *Joe D. Cameron*, 41 ECAB 153 (1989).

[3] *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

[4] *Delores C. Ellyett*, 41 ECAB 992 (1990).

[5] *Julie B. Hawkins*, 38 ECAB 393, 396 (1987); *see* Federal (FECA) Procedure Manual, Part 2 -- Claims, *Fact of Injury*, Chapter 2.803.2a (June 1995).

[6] *Id.* For a definition of the term "traumatic injury," *see* 20 C.F.R. § 10.5(ee).

[7] *I.J.*, 59 ECAB 408 (2008); *Victor J. Woodhams*, 41 ECAB 345 (1989).

[8] *See George Randolph Taylor*, 6 ECAB 986, 988 (1954) (where the Board found that a medical opinion not fortified by medical rationale is of little probative value).

value as it did not provide a specific opinion on causal relationship.[9] In her December 23, 2013 form report, Dr. Magee checked a box "yes" that appellant's condition was employment related. However, the Board has held that an opinion on causal relationship which consists only of a physician checking "yes" on a medical form report without further explanation or rationale is of little probative value.[10]

Likewise, in a December 26, 2013 report, Dr. Islam noted that appellant presented for follow up of a "workman's comp[ensation] injury" and diagnosed a sprain and strain of the wrist and prescribed physical therapy. However, other than to note that appellant presented for follow up of a "workman's comp[ensation] injury," he did not offer any opinion on causal relationship. The Board finds that a report with no opinion on causal relationship is of limited probative value.[11]

Other medical reports, such as reports of diagnostic testing, also do not address how employment factors contributed to a diagnosed medical condition.

OWCP also received nurses' notes and notes from medical assistants, but nurses and medical assistants are not physicians under FECA and are not competent to render a medical opinion.[12]

Because the medical reports submitted by appellant do not address how the December 21, 2013 activities at work caused or aggravated a left wrist condition, these reports are of limited probative value and are insufficient to establish that the December 21, 2013 employment incident caused or aggravated a specific injury.

On appeal, appellant made several arguments in support of her claim. She argued that she sustained her injury at work and that she had established causal relationship. Appellant asserted that she promptly provided notice to her supervisor and sought medical treatment. However, as found above, the factual occurrence of the December 21, 2013 work incident is not in dispute. The claim is deficient because appellant has not submitted medical evidence from a physician addressing how this incident caused or contributed to the diagnosed medical condition.

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.

[9] *See Charles H. Tomaszewski*, 39 ECAB 461, 467-68 (1988) (finding that medical evidence which does not offer any opinion regarding the cause of an employee's condition is of limited probative value on the issue of causal relationship).

[10] *Alberta S. Williamson*, 47 ECAB 569 (1996).

[11] *Supra* note 9.

[12] *See G.G.*, 58 ECAB 389 (2007); 5 U.S.C. § 8101(2).

CONCLUSION

The Board finds that appellant did not meet her burden of proof to establish a traumatic injury in the performance of duty on December 21, 2013.

ORDER

IT IS HEREBY ORDERED THAT the February 13, 2014 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: January 13, 2015
Washington, DC

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

Patricia Howard Fitzgerald, Judge
Employees' Compensation Appeals Board

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