United States Department of Labor
Employees' Compensation Appeals Board

C.R., Appellant	)	
and	)	**Docket No. 16-0078**
	)	**Issued: February 3, 2016**
U.S. POSTAL SERVICE, POST OFFICE, St. Louis, MO, Employer	)	

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

Case Submitted on the Record

DECISION AND ORDER

Before:
CHRISTOPHER J. GODFREY, Chief Judge
PATRICIA H. FITZGERALD, Deputy Chief Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On October 20, 2015 appellant filed a timely appeal from an April 27, 2015 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.[2]

ISSUE

The issue is whether appellant met his burden of proof to establish a traumatic injury causally related to a March 17, 2015 employment incident.

[1] 5 U.S.C. § 8101 *et seq.*

[2] Appellant submitted evidence to OWCP following the April 27, 2015 decision. The Board has jurisdiction to review only the evidence that was before OWCP at the time of the final decision on appeal. *See* 20 C.F.R. § 501.2(c)(1).

FACTUAL HISTORY

On March 17, 2015 appellant, then a 65-year-old city carrier, filed a traumatic injury claim (Form CA-1) alleging that on that date he twisted his right knee while stepping out of his mail carrier in the performance of duty. He did not stop work. The employing establishment noted that the incident occurred at 2:00 p.m., but that appellant did not report it to a supervisor until 3:30 p.m. Additionally, it stated that he refused treatment at a medical center in favor of seeking treatment from his own physician.

In e-mail correspondence dated March 23, 2015, Patricia Stamps-Stephens, a human resource specialist, noted that the supervisor was not in agreement with the time and fact of injury since appellant refused treatment after he was sent for treatment.

In letters dated March 23, 2015 to appellant and the employing establishment, OWCP explained that additional factual and medical evidence was needed and requested that the evidence be submitted within 30 days.

In a March 20, 2015 report, Dr. Roy J. Williams, a Board-certified internist, noted that appellant was seen on that date and unable to work beginning March 17, 2015. He indicated that appellant could return to normal work duties as of March 24, 2015.

By decision dated April 27, 2015, OWCP denied appellant's claim because he did not submit medical evidence establishing that the work event caused a diagnosed medical condition.

LEGAL PRECEDENT

An employee seeking benefits under FECA[3] 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,[4] and that an injury was sustained in the performance of duty.[5] These are the essential elements of each compensation claim, regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.[6]

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.[7] In some traumatic injury cases, this

[3] 5 U.S.C. § 8101 *et seq.*

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

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

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

[7] *Julie B. Hawkins*, 38 ECAB 393, 396 (1987); *see* Federal (FECA) Procedure Manual, Part 2 -- Claims, *Fact of Injury*, Chapter 2.803.2a (August 2012).

component can be established by an employee's uncontroverted statement on the Form CA-1.[8] 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.[9]

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.[10]

ANALYSIS

In this case, appellant alleged that on March 17, 2015 he twisted his right knee when he stepped out of his city carrier in the performance of duty. OWCP has accepted that the claimed event occurred as alleged -- that stepping out of his city carrier and twisting his right knee at work occurred as alleged.

However, with regard to the medical evidence, the Board finds that there is no medical evidence of record to establish the second component of fact of injury, that the employment incident caused an injury. The record does not contain any medical evidence which includes a diagnosis and a reasoned explanation of how the specific employment incident on March 17, 2015 caused or aggravated an injury.[11]

The only medical evidence of record is a March 20, 2015 return to work note from Dr. Williams. However, Dr. Williams merely noted that appellant was seen on that date, that he was unable to work beginning March 17, 2015, and that he would be able to return to regular duties on March 24, 2015. He indicated that appellant could return to normal work duties at that time. However, Dr. Williams did not offer a diagnosis or opinion on causal relationship. The Board has held that medical evidence that does not offer any opinion regarding the cause of an employee's condition is of diminished probative value on the issue of causal relationship.[12]

Because appellant did not submit any medical evidence to address how the March 17, 2015 activities at work caused or aggravated a right knee condition, he has not established that the March 17, 2015 employment incident caused or aggravated a specific injury.

On appeal, appellant argues that he was examined by his physician on Friday, March 20, 2015 and he met with another physician on April 28, 2015. He contends that he received the

[8] *John J. Carlone*, 41 ECAB 354 (1989).

[9] *Id.* For a definition of the term "traumatic injury," *see* 20 C.F.R. § 10.5(ee). Federal (FECA) Procedure Manual, *supra* note 7 at Chapter 2.803.2b.

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

[11] *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).

[12] *Jaja K. Asaramo*, 55 ECAB 200 (2004).

OWCP decision on April 27, 2015 and that he turned his report over as soon as possible. The Board notes that these reports are not in the record before the Board.

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 a traumatic injury causally related to a March 17, 2015 employment incident.

ORDER

IT IS HEREBY ORDERED THAT the March 17, 2015 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: February 3, 2016
Washington, DC

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

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

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