United States Department of Labor
Employees' Compensation Appeals Board

J.B., Appellant	)	
and	)	**Docket No. 16-1466**
	)	**Issued: April 14, 2017**
U.S. POSTAL SERVICE, POST OFFICE, Moncks Corner, SC, 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
ALEC J. KOROMILAS, Alternate Judge

JURISDICTION

On July 7, 2016 appellant filed a timely appeal of a June 3, 2016 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 her burden of proof to establish an injury causally related to her accepted March 26, 2016 work incident.

FACTUAL HISTORY

On April 19, 2016 appellant, then a 62-year-old rural carrier, filed a traumatic injury claim (Form CA-1) alleging that on March 26, 2016 she slipped and strained her right knee in the

[1] 5 U.S.C. § 8101 *et seq.*

[2] The case record provided to the Board includes evidence received after OWCP issued its June 3, 2016 decision. The Board is precluded from considering evidence that was not in the case record at the time OWCP rendered its final decision. 20 C.F.R. § 501.2(c)(1).

performance of duty. She noted on the claim form "strain not applicable to middle back." Regarding the cause of the injury, it was noted "slip but employee is not sure what caused it." The employing establishment challenged the claim and advised that a challenge was forthcoming. Appellant did not initially stop work.

In a letter dated April 25, 2016, OWCP informed appellant of the type of evidence needed to support her claim and requested that she submit such evidence within 30 days.

In a May 3, 2016 statement, the employing establishment explained that appellant noted that she "somehow" fell on March 26, 2016 in the employee parking lot. Appellant indicated that she was unsure of how this occurred and filled out a letter of declination to file a CA-1 on March 26, 2016. However, on April 19, 2016 appellant requested a Form CA-1 and advised that she would like to be checked out by her doctor. The employing establishment further noted that appellant had been working several weeks after her stated fall with no restrictions or loss of work. It noted its concerns about the timing of appellant's requested doctor's visit considering that appellant had been disapproved for an upcoming weekend of annual leave and had no adverse reactions since her alleged fall. The employing establishment further indicated that appellant had yet to visit her physician.

In a May 11, 2016 report, Dr. David P. Rogers, Board-certified in family medicine, noted that appellant fell on March 26, 2016 and landed on her knees while loading mail into a mail truck while at work. He related that she had right back and right knee pain right after the fall, and that both were persisting. Dr. Rogers examined appellant and diagnosed right knee contusion and lumbar strain. He saw appellant on May 18, 2016 and diagnosed lumbar strain, pain in right knee, and low back pain. Dr. Rogers placed appellant off work through May 31, 2016 and indicated that she was unable to perform the duties required in her current position. He noted that appellant was required to bend and lift up to 70 pounds.

In a May 16, 2016 narrative statement, appellant explained that on March 26, 2016 she was in the back parking lot and it was raining. She noted that there were puddles of water on the pavement as she was loading trays into the front side of her vehicle. When appellant took her last tray out of the buggy, she fell, lading on her hands and knees. She explained that her tray of mail slid across the pavement, and her coworker, L.T., came over to assist her. Appellant indicated that she got up and told her supervisor that she had fallen and hurt her knee and back. She noted that she was offered Ibuprofen, but wished to wait. Appellant also noted that L.T. witnessed the fall. She indicated that she left to finish her route. Appellant advised that her knee was still tender and had a small knot. Furthermore, her back was still hurting. Appellant responded "no" when asked whether she had a prior similar disability or condition and whether she had received benefits for a right knee injury. She responded "yes" with regard to whether she was on the premises of the employing establishment at the time of the injury. Appellant noted that it was owned by the employing establishment and they were required to park on the lot.

In a May 7, 2016 narrative statement, L.T. confirmed that on March 26, 2016 she witnessed appellant fall while loading a tray of mail into her vehicle. She indicated that she was not sure what caused her to fall, but she witnessed the fall to the ground. L.T. explained that it was pouring down rain on that date and she assumed that appellant slipped.

By decision dated June 3, 2016, OWCP denied appellant's claim, finding that she had failed to establish an injury causally related to the March 26, 2016 employment incident.

LEGAL PRECEDENT

A claimant seeking benefits under FECA has the burden of proof to establish the essential elements of his or her claim by the weight of the reliable, probative, and substantial evidence, including that an injury was sustained in the performance of duty as alleged and that any specific condition or disability claimed is causally related to the employment injury.[3]

To determine whether an employee sustained a traumatic 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 that must be considered in conjunction with one another. The first component is whether the employee actually experienced the employment incident that allegedly occurred.[4] The second component is whether the employment incident caused a personal injury.[5] An employee may establish that an injury occurred in the performance of duty as alleged, but fail to establish that the disability or specific condition for which compensation is being claimed is causally related to the injury.[6]

ANALYSIS

Appellant alleged that on March 26, 2016 she sustained an injury to her right knee and back when she slipped and fell to the ground in the parking lot. OWCP has accepted that the March 26, 2016 employment incident occurred as alleged, and that a diagnosis was provided in connection with the employment incident. However, appellant's claim was denied because the medical evidence of record was insufficient to demonstrate causal relationship between the accepted employment incident and the diagnosed right knee and lumbar conditions.

The Board finds that the medical evidence of record is insufficiently rationalized to establish causal relationship. The record contains no reasoned explanation of how the specific employment incident on March 26, 2016 either caused or aggravated appellant's diagnosed lumbar and right knee conditions.[7]

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[3] 20 C.F.R. § 10.115(e), (f); *see Jacquelyn L. Oliver*, 48 ECAB 232, 235-36 (1996).

[4] *Elaine Pendleton*, 40 ECAB 1143 (1989).

[5] *John J. Carlone*, 41 ECAB 354 (1989). Causal relationship is a medical question that generally requires rationalized medical opinion evidence to resolve the issue. *See Robert G. Morris*, 48 ECAB 238 (1996). A physician's opinion on whether there is a causal relationship between the diagnosed condition and the implicated employment factor(s) must be based on a complete factual and medical background. *Victor J. Woodhams*, 41 ECAB 345, 352 (1989). Additionally, the physician's opinion must be expressed in terms of a reasonable degree of medical certainty and must be supported by medical rationale, explaining the nature of the relationship between the diagnosed condition and appellant's specific employment factor(s). *Id.*

[6] *Shirley A. Temple*, 48 ECAB 404, 407 (1997).

[7] *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).

Appellant submitted three reports from Dr. Rogers. In a May 11, 2016 report, Dr. Rogers noted appellant's history of injury, which included that she fell on March 26, 2016 and landed on her knees while loading mail into a mail truck. He related that she had right back and right knee pain right after the fall, and that both were persisting. Dr. Rogers examined appellant and diagnosed knee contusion and lumbar strain. However, he did not offer any opinion on causal relationship between either injury. Medical evidence that does not offer any opinion regarding the cause of an employee's condition is of limited probative value on the issue of causal relationship.[8] Likewise, when he saw appellant for follow-up on May 18 and 31, 2016, Dr. Rogers failed to explain how appellant's diagnosed knee and lumbar conditions were causally related to the reported March 26, 2016 fall. Consequently, his various reports are of limited probative value on the issue of causal relationship.[9]

Because the medical reports submitted by appellant do not specifically address how the March 26, 2016 employment-related fall either caused or aggravated her diagnosed right knee and lumbar conditions, they are of limited probative value and are insufficient to establish appellant's entitlement to FECA benefits.[10]

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 her burden of proof to establish an injury causally related to her accepted March 26, 2016 work incident.

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

[9] *Id.*

[10] *See Linda I. Sprague*, 48 ECAB 386, 389-90 (1997).

ORDER

IT IS HEREBY ORDERED THAT the June 3, 2016 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: April 14, 2017
Washington, DC

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

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

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