

On the same form, appellant's immediate supervisor checked a box marked "Yes" indicating that her knowledge of the facts of the claimed injury agreed with the statements of appellant.² Appellant stopped work on August 30, 2016.³

In a September 7, 2016 letter, OWCP advised appellant that the documentation it received to date was insufficient to support his claim for a work-related injury on August 30, 2016. It requested that he submit a report from an attending physician containing, *inter alia*, a detailed description of findings, diagnosis, and an opinion supported by a medical explanation as to how the reported work incident caused or aggravated a medical condition.

Appellant submitted a form entitled "Authorization for Examination [and/or] Treatment" (Form CA-16), completed on September 2, 2016. In this form report, Dr. Jin S. Lim, an attending Board-certified otolaryngologist, indicated that appellant reported that on August 30, 2016, due to wearing a left ear headset, he "began to have white noise, abnormal beeping after sounds, and headaches." He noted "normal physical exam[ination]" in the portion of the report for findings. Dr. Lim also noted that an audiogram was pending. In the diagnosis section of the form report, he noted "hyperacusis" and "abn[ormal] auditory perceptions," along with their corresponding ICD-10 codes (International Classification of Diseases, 10th revision), H93.232 and H93.292, respectively.⁴ Dr. Lim also included the ICD-10 diagnostic code for tinnitus, H93.12. He checked a box marked "Yes" indicating that the condition found was caused or aggravated by the employment activity described and noted, "Only because it started immediately after use of headset." Additionally, Dr. Lim reported that appellant was totally disabled from September 2, 2016 until "pending."

By decision dated October 12, 2016, OWCP denied appellant's claim for a work-related hearing condition arising on August 30, 2016. It found that he had established the existence of work factors on August 30, 2016, but that he did not submit medical evidence establishing causal relationship between the accepted work factors and a diagnosed medical condition. OWCP further noted that the Form CA-16 "contained an illegible diagnosis and illegible physician's signature."

LEGAL PRECEDENT

An employee seeking benefits under FECA has the burden of proof to establish 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, that an injury was sustained 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.⁵ These are the essential elements of each

² Under a separate OWCP file number (xxxxxx364) for a claim not currently before the Board, OWCP accepted that on July 1, 2013 appellant sustained a traumatic right ear injury in the form of acoustic trauma (ICD-9 code 388.11, International Classification of Diseases, 9th revision).

³ Appellant requested continuation of pay on the Form CA-1 completed on August 31, 2016. However, it is unclear from the record whether he received continuation of pay.

⁴ Hyperacusis is defined as exceptionally acute hearing, with an unusually low hearing threshold, which may or may not be accompanied by pain. *See Dorland's Illustrated Medical Dictionary*, 878 (30th ed. 2003).

⁵ C.S., Docket No. 08-1585 (issued March 3, 2009); *Elaine Pendleton*, 40 ECAB 1143 (1989).

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 actually experienced the employment incident at the time, place, and in the manner alleged.⁷ Second, the employee must submit evidence, in the form of medical evidence, to establish that the employment incident caused a personal injury.⁸

Causal relationship is a medical issue and the medical evidence generally required to establish causal relationship is rationalized medical opinion evidence. The opinion of the physician must be based on a complete factual and medical background of the claimant, 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.⁹

ANALYSIS

Appellant filed a Form CA-1 alleging that on August 30, 2016 he sustained injury in the form of ringing, white noise, and discomfort while using a wireless headset at work. OWCP denied his claim because he failed to submit medical evidence sufficient to establish such a work-related hearing injury.

The Board finds that appellant has not met his burden of proof to establish that he sustained a work-related hearing condition on August 30, 2016.

In denying appellant's claim, OWCP accepted that he experienced work factors in the form of being exposed to noise from a headset while conducting air traffic controller duties on August 30, 2016. The Board also finds that appellant was exposed to such work factors on August 30, 2016. In finding that appellant had not submitted medical evidence establishing a causal relationship between work factors and a diagnosed condition, OWCP indicated that he submitted a Form CA-16, which had been completed on September 2, 2016, but that the form report contained an illegible diagnosis and illegible physician's signature. The Board finds that the Form CA-16 is identifiable as having been completed by Dr. Lim, an attending physician, and that Dr. Lim provided the specific diagnoses of hyperacusis, other abnormal auditory perceptions, and tinnitus.

⁶ *S.P.*, 59 ECAB 184 (2007); *Victor J. Woodhams*, 41 ECAB 345 (1989). A traumatic injury refers to injury caused by a specific event or incident or series of incidents occurring within a single workday or work shift whereas an occupational disease refers to an injury produced by employment factors which occur or are present over a period longer than a single workday or work shift. 20 C.F.R. § 10.5 (q), (ee); *Brady L. Fowler*, 44 ECAB 343, 351 (1992).

⁷ *Julie B. Hawkins*, 38 ECAB 393 (1987).

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

⁹ *See I.J.*, 59 ECAB 408 (2008); *Donna Faye Cardwell*, 41 ECAB 730 (1990).

The September 2, 2016 form report of Dr. Lim is the only medical evidence submitted by appellant and the Board finds that this report does not establish that appellant sustained a work-related hearing condition on August 30, 2016. In this form report, Dr. Lim indicated that appellant reported that on August 30, 2016, due to wearing a left ear headset, he “began to have white noise, abnormal beeping after sounds, and headaches.” Dr. Lim noted “normal physical exam[ination]” and checked a box marked “Yes” indicating that the diagnosed conditions of hyperacusis, other abnormal auditory perceptions, and tinnitus were caused or aggravated by the employment activity described.

The Board finds that Dr. Lim’s report is of limited probative value on the relevant issue of this case because he did not provide a rationalized medical report relating the observed conditions to the accepted work factors that appellant experienced on August 30, 2016.¹⁰ The Board has held that when a physician’s opinion on causal relationship consists only of checking a box marked “Yes” to a form question, without the addition of adequate medical rationale, that opinion has little probative value and is insufficient to establish causal relationship.¹¹ Appellant’s burden includes the necessity of furnishing an affirmative opinion from a physician who supports his or her conclusion with sound medical reasoning.¹²

Dr. Lim indicated that he checked the box marked “Yes” denoting work-related causation only because appellant’s reported symptoms “started immediately after use of headset.” However, the Board has held that the fact that a condition manifests itself or worsens during a period of employment¹³ or that work activities produce symptoms revelatory of an underlying condition¹⁴ does not raise an inference of causal relationship between a claimed condition and employment factors. Temporal relationship alone will not suffice.¹⁵ Dr. Lim did not describe the accepted work factors in any detail or explain the medical process through which appellant’s use of a left ear headset could have caused the diagnosed conditions. As Dr. Lim did little more than check a box marked “Yes” to a form question, his opinion on causal relationship is of little probative value and is insufficient to discharge appellant’s burden of proof for a work-related hearing condition.¹⁶

¹⁰ See *supra* note 9.

¹¹ See *D.D.*, 57 ECAB 734, 739 (2006); *Deborah L. Beatty*, 54 ECAB 340, 341 (2003).

¹² *Lillian M. Jones*, 34 ECAB 379, 381 (1982).

¹³ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

¹⁴ *Richard B. Cissel*, 32 ECAB 1910, 1917 (1981).

¹⁵ See *D.I.*, 59 ECAB 158, 162 (2007).

¹⁶ The Board notes that where an employing establishment properly executes a Form CA-16 which authorizes medical treatment as a result of an employee’s claim for an employment-related injury, the Form CA-16 creates a contractual obligation, which does not involve the employee directly, to pay for the cost of the examination or treatment regardless of the action taken on the claim. See *Tracy P. Spillane*, 54 ECAB 608 (2003). The period for which treatment is authorized by a Form CA-16 is limited to 60 days from the date of issuance, unless OWCP terminates the authorization sooner. See 20 C.F.R. § 10.300(c). The record is silent as to whether OWCP paid for the cost of appellant’s examination or treatment for the period noted on the form.

CONCLUSION

The Board finds that appellant did not meet his burden of proof to establish that he sustained a work-related hearing condition on August 30, 2016.

ORDER

IT IS HEREBY ORDERED THAT the October 12, 2016 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: February 21, 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