

footing and falling, causing him to hang by his left foot which got caught in the steps. Appellant stopped work on December 16, 2016 and returned to work on December 19, 2016.

In a December 15, 2016 St. Anthony Hospital diagnostic report, Dr. Chester Beam, a Board-certified diagnostic radiologist, reported that an x-ray of appellant's left foot revealed unremarkable findings with no acute fractures and dislocation and tibial talar joint osteoarthritis.

By letter dated December 29, 2016, OWCP informed appellant that the evidence of record was insufficient to support his claim. It noted that the medical evidence submitted failed to document any diagnosed condition which could be related to the accepted employment incident. OWCP advised appellant of the medical evidence needed and was afforded 30 days to respond.

In support of his claim, appellant submitted a Notification of Personnel Action (Form SF-50) and the official position description for a sheet metal mechanic. No other evidence was received.

By decision dated January 31, 2017, OWCP denied appellant's claim as the evidence of record was insufficient to establish a traumatic injury. It found that the December 15, 2016 incident occurred as alleged, but that the evidence of record failed to provide a firm medical diagnosis which could be reasonably attributed to the accepted employment incident.

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 filed within the applicable time limitation, that an injury was sustained while in the performance of duty as alleged, and that any disability or specific condition for which compensation is claimed are causally related to the employment injury.² These are the essential elements of each and every compensation claim regardless of whether the claim is predicated on a traumatic injury or occupational disease.³

In order to determine whether an employee actually sustained an 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 which must be considered in conjunction with one another. The first component to be established is that the employee actually experienced the employment incident which is alleged to have occurred.⁴ The second component is whether the employment incident caused a personal injury and generally can be established only by medical evidence.

To establish a causal relationship between the condition, as well as any attendant disability claimed and the employment event or incident, the employee must submit rationalized

² *Gary J. Watling*, 52 ECAB 278 (2001); *Elaine Pendleton*, 40 ECAB 1143, 1154 (1989).

³ *Michael E. Smith*, 50 ECAB 313 (1999).

⁴ *Elaine Pendleton*, *supra* note 2.

medical opinion evidence based on a complete factual and medical background, supporting such a causal relationship.⁵ The opinion of the physician must be based on 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. This medical opinion must include an accurate history of the employee's employment injury and must explain how the condition is related to the injury. The weight of medical evidence is determined by its reliability, its probative value, its convincing quality, the care of analysis manifested, and the medical rationale expressed in support of the physician's opinion.⁶

ANALYSIS

The Board finds that appellant failed to meet his burden of proof to establish a traumatic injury causally related to the accepted December 15, 2016 incident.⁷

Appellant has established that the December 15, 2016 employment incident occurred as alleged. The issue, therefore, is whether he submitted sufficient medical evidence to establish that the employment incident caused a left foot injury.

The Board finds that the medical evidence is deficient on two grounds: first, it fails to provide a firm diagnosis. Second, there is no narrative opinion on causal relationship between a diagnosed condition and the employment incident.⁸

The only medical evidence submitted in support of appellant's claim was a December 15, 2016 St. Anthony Hospital diagnostic report. Dr. Beam's report fails to establish a firm medical diagnosis and provides no support for an injury as the physician reported that an x-ray of the left foot revealed unremarkable examination findings.⁹ The physician merely interpreted diagnostic findings and did not describe, explain, or diagnose a compensable medical condition.¹⁰ The opinion of a physician supporting a firm medical diagnosis and causal relationship must rest on a complete factual and medical background supported by affirmative evidence, address the specific factual and medical evidence of record, and provide medical rationale explaining the nature of the relationship between the diagnosed condition and the established incident or factor of employment.¹¹ While Dr. Beam's report establishes that appellant sought treatment on the date of the accepted employment incident, the report does not constitute probative medical evidence

⁵ See 20 C.F.R. § 10.110(a); *John M. Tornello*, 35 ECAB 234 (1983).

⁶ *James Mack*, 43 ECAB 321 (1991).

⁷ See *Robert Broome*, 55 ECAB 339 (2004).

⁸ *Supra* note 6.

⁹ *J.P.*, Docket No. 14-87 (issued March 14, 2014).

¹⁰ *S.Y.*, Docket No. 11-1816 (issued March 16, 2012).

¹¹ See *Lee R. Haywood*, 48 ECAB 145 (1996).

because he fails to provide a clear diagnosis and does not adequately explain the cause of any medical condition.¹²

The Board notes that the underlying issue in this case was whether appellant sustained an injury causally related to the accepted December 15, 2016 employment incident. That is a medical issue which must be addressed by relevant medical evidence.¹³ As such, the Form SF-50 and the official position description for a sheet metal mechanic are irrelevant to his claim as OWCP accepted that the employment incident occurred as alleged.

The Board has held that the mere fact that a condition manifests itself during a period of employment does not raise an inference of causal relation.¹⁴ An award of compensation may not be based on surmise, conjecture, speculation, or on the employee's own belief of causal relation.¹⁵ In the instant case, appellant has established that the December 15, 2016 incident occurred as alleged. He has failed, however, to establish an injury causally related to the accepted December 15, 2016 employment incident. Thus, appellant has failed to meet his burden of proof.

Appellant may submit additional evidence, together with a written request for reconsideration, to OWCP within one year of the Board's merit decision, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. §§ 10.606 and 10.607.

CONCLUSION

The Board finds that appellant did not meet his burden of proof to establish a left foot injury causally related to the accepted December 15, 2016 employment incident.

¹² *Ceferino L. Gonzales*, 32 ECAB 1591 (1981).

¹³ *See Bobbie F. Cowart*, 55 ECAB 746 (2004).

¹⁴ *Daniel O. Vasquez*, 57 ECAB 559 (2006).

¹⁵ *D.D.*, 57 ECAB 734 (2006).

ORDER

IT IS HEREBY ORDERED THAT the January 31, 2017 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: October 2, 2017
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