

ISSUE

The issue is whether appellant has met her burden of proof to establish a left hand condition causally related to the accepted June 12, 2018 employment incident.

FACTUAL HISTORY

On June 19, 2018 appellant, then a 44-year-old mail handler, filed a traumatic injury claim (Form CA-1) alleging that on June 12, 2018 she sustained a left hand contusion/bruise while she was pulling a full over-the-road (OTR) container out of a container loader while in the performance of duty. She reported having felt pain in her left hand. On the reverse side of the claim form the employing establishment noted that appellant did not stop working.

A statement from the supervisor of district operations, B.S., indicated that on June 19, 2018 appellant approached her and indicated that the bruise/contusion on her left palm had not gone away, and that she wished to file a claim with OWCP. Appellant related that she would turn over the medical paperwork to the supervisor after her appointment.

A June 21, 2018 left thumb x-ray was “Unremarkable” and noted that there was no bone, joint, or soft tissue abnormality.

A July 17, 2018 request for medical authorization revealed appellant was scheduled for a surgical procedure to excise a soft-tissue mass from her left hand to be performed by Dr. Jacqueline Vanderzanden, a Board-certified orthopedic and hand surgeon.

A July 17, 2018 report from Dr. Vanderzanden related that on June 12, 2018 appellant “[w]as moving a heavy piece of equipment when she felt ... pain in the palm of her left hand and has developed a soft tissue bump in that area which has not gone down since the date of injury....” Appellant continued to work full-time regular duty despite the pain and bump. She noted that ice occasionally decreased the size of the bump, whereas increased activity caused a recurrence of the bump. Dr. Vanderzanden noted “no lacerations or abrasions, but there is a soft tissue mass volar aspect of the thenar eminence. Slight blue discoloration to it ... otherwise grossly neurovascularly intact.” Her impression was left hand post-traumatic soft tissue mass after work-related injury and that appellant had elected to proceed with surgical excision. She indicated that appellant likely would be able to return to work light duty after the operation and suture removal.

In a development letter dated August 22, 2018, OWCP advised appellant of the need for additional factual information and medical evidence to support her claim for compensation benefits. It specifically inquired about the circumstances of the alleged causative employment incident, including the immediate effect of the injury and the reasons for the delay in filing a claim. The attached factual questionnaire also included queries as to the existence of any related preexisting conditions. OWCP also requested that appellant provide a narrative report from her attending physician, which was required to include a diagnosis and a medical explanation as to how the reported work incident either caused or aggravated a medical condition. It afforded appellant 30 days to submit the requested information.

Appellant did not respond.

By decision dated September 25, 2018, OWCP accepted that the June 12, 2018 employment incident occurred as alleged and that a medical condition had been diagnosed. It denied the claim, however, as causal relationship had not been established between the diagnosed condition and the accepted June 12, 2018 employment incident.

LEGAL PRECEDENT

An employee seeking benefits under FECA³ 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 of FECA,⁴ that an injury was sustained in the performance of duty as alleged, and that any disability or medical condition for which compensation is claimed is causally related to the employment injury.⁵ These are the essential elements of each and every compensation claim, regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁶

To determine if an employee sustained a traumatic injury in the performance of duty, OWCP begins with an analysis of whether fact of injury has been established.⁷ 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.⁸ The second component is whether the employment incident caused a personal injury.⁹ 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.¹⁰

Causal relationship is a medical question that generally requires rationalized medical opinion evidence to resolve the issue.¹¹ A physician's opinion on whether there is causal relationship between the diagnosed condition and the implicated employment factor(s) must be based on a complete factual and medical background.¹² Additionally, the physician's opinion must

³ *Supra* note 1.

⁴ *S.B.*, Docket No. 17-1779 (issued February 7, 2018); *J.P.*, 59 ECAB 178 (2007); *Joe D. Cameron*, 41 ECAB 153 (1989).

⁵ *J.M.*, Docket No. 17-0284 (issued February 7, 2018); *R.C.*, 59 ECAB 427 (2008); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

⁶ *K.M.*, Docket No. 15-1660 (issued September 16, 2016); *L.M.*, Docket No. 13-1402 (issued February 7, 2014); *Delores C. Ellyett*, 41 ECAB 992 (1990).

⁷ *D.B.*, Docket No. 18-1348 (issued January 4, 2019); *T.H.*, 59 ECAB 388, 393-94 (2008).

⁸ *D.S.*, Docket No. 17-1422 (issued November 9, 2017); *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁹ *B.M.*, Docket No. 17-0796 (issued July 5, 2018); *John J. Carlone*, 41 ECAB 354 (1989).

¹⁰ *Shirley A. Temple*, 48 ECAB 404, 407 (1997).

¹¹ *T.H.*, 59 ECAB 388, 393 (2008); *Robert G. Morris*, 48 ECAB 238 (1996).

¹² *M.V.*, Docket No. 18-0884 (issued December 28, 2018).

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).¹³

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish a left hand condition causally related to the accepted June 12, 2018 employment incident.

In a July 17, 2018 report, Dr. Vanderzanden diagnosed left hand soft tissue mass, which she characterized as post-traumatic and work related. She reported that on June 12, 2018 appellant "[w]as moving a heavy piece of equipment when she felt ... pain in the palm of her left hand" and subsequently "developed a soft tissue bump in that area..." While Dr. Vanderzanden notes a temporal relationship between the onset of pain and the accepted incident, she does not offer a definitive opinion that the left hand soft tissue mass was caused by the workplace incident. The mere fact that a condition manifests itself or is discovered after an employment incident is insufficient to establish a causal relationship between the condition and the incident.¹⁴ Temporal relationship alone will not suffice for purposes of establishing causal relationship.¹⁵ Entitlement to FECA benefits may not be based on surmise, conjecture, speculation, or on the employee's own belief of a causal relationship.¹⁶ Dr. Vanderzanden's July 17, 2018 report does not discharge appellant's burden of proof to establish that her left hand condition is causally related to the accepted June 12, 2018 employment incident as she has not explained how pulling a full OTR container out of a container loader either caused or contributed to the development of appellant's diagnosed soft tissue mass. A physician's opinion on causal relationship must be supported by medical rationale, explaining the nature of the relationship between the diagnosed condition and appellant's specific employment factor(s).¹⁷ Consequently, the Board finds that the evidence of record does not meet appellant's burden of proof to establish causal relationship.

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 USC § 8128(a) and 20 CFR §§ 10.605 through 10.607.

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish a left hand condition causally related to the accepted June 12, 2018 employment incident.

¹³ *Id.*; *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

¹⁴ *L.T.*, Docket No. 18-1603 (issued February 21, 2019); *Birger Areskog*, 30 ECAB 571 (1979).

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *See supra* notes 12, 13.

ORDER

IT IS HEREBY ORDERED THAT the September 25, 2018 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: April 26, 2019
Washington, DC

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

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

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