

ISSUE

The issue is whether appellant met his burden of proof to establish that his head contusion is causally related to the accepted December 19, 2017 employment incident.

FACTUAL HISTORY

On February 16, 2018 appellant, then a 34-year-old aircraft mechanic technician, filed a traumatic injury claim (Form CA-1) alleging that on December 19, 2017 he was hit by shrapnel while in the performance of duty. He stated that he was working on an aircraft when an adjacent aircraft's jet engine exploded and shrapnel flew out, striking him in the back of his head and the back of his left leg. On the reverse side of the claim form, the employing establishment noted that appellant was injured in the performance of duty and indicated that it agreed with his account of the events on December 19, 2017. It also noted that he first received medical care on December 19, 2017. Appellant stopped working on December 19, 2017 and returned to work on December 20, 2017.

In a May 3, 2018 development letter, OWCP advised appellant that the documentation received to date was insufficient to establish his claim for FECA benefits. It explained that it had not received any medical evidence. Accordingly, OWCP afforded appellant 30 days to submit a narrative medical report from a qualified physician that included a diagnosis and an explanation as to how the reported employment incident either caused or aggravated a medical condition. No response was received.

By decision dated June 8, 2018, OWCP denied appellant's traumatic injury claim finding that the evidence submitted was insufficient to establish that the injury occurred as alleged. It concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

On March 7, 2019 appellant requested reconsideration. He submitted December 19, 2017 emergency department records by Dr. David L. Kocherla, who is Board-certified in emergency medicine. Dr. Kocherla reported that while at work he was hit in the back of the head by a piece of metal shrapnel from an exploding engine. Appellant complained of a headache. He denied having lost consciousness and there was no evidence of an open wound. Apart from his complaint of a headache, the results of appellant's physical examination were otherwise normal. He was diagnosed with a head contusion and discharged in good condition. Appellant was advised to follow-up with his primary care provider in two to three days, and to return to the emergency department if his condition worsened or he developed a fever. He was also instructed to take over-the-counter medication for pain.

By decision dated April 8, 2019, OWCP affirmed and modified its June 8, 2018 decision. It found that, although appellant established that the December 19, 2017 employment incident occurred as alleged and that he was injured, it denied his traumatic injury claim because he failed to establish causal relationship between the injury and the accepted employment incident.

LEGAL PRECEDENT

An employee seeking benefits under FECA³ 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 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 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 a 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 be expressed in terms of a reasonable degree of medical certainty, and must be supported by

³ *Supra* note 1.

⁴ *J.P.*, Docket No. 19-0129 (issued April 26, 2019); *S.B.*, Docket No. 17-1779 (issued February 7, 2018); *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 *R.R.*, Docket No. 19-0048 (issued April 25, 2019); *L.M.*, Docket No. 13-1402 (issued February 7, 2014); *Delores C. Ellyett*, 41 ECAB 992 (1990).

⁷ *E.M.*, Docket No. 18-1599 (issued March 7, 2019); *T.H.*, 59 ECAB 388, 393-94 (2008).

⁸ *L.T.*, Docket No. 18-1603 (issued February 21, 2019); *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 *J.P.*, *supra* note 4; *L.T.*, *supra* note 8; *Shirley A. Temple*, 48 ECAB 404, 407 (1997).

¹¹ *E.M.*, *supra* note 7; *Robert G. Morris*, 48 ECAB 238 (1996).

¹² *M.V.*, Docket No. 18-0884 (issued December 28, 2018); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

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 his burden of proof to establish a head contusion causally related to the accepted December 19, 2017 employment incident.

Although the December 19, 2017 emergency department records noted that appellant reported he was at work earlier in the day when an engine blew and he was hit in the back of the head by a piece of metal shrapnel, these records by Dr. Kocherla do not specifically address how the December 19, 2017 employment incident either caused or contributed to appellant's head contusion. As the emergency department records do not contain an opinion on causal relationship, they are of no probative value and thus are insufficient to meet appellant's burden of proof.¹⁴

The fact that a condition manifests itself during a period of employment is not sufficient to establish causal relationship.¹⁵ Temporal relationship alone will not suffice.¹⁶ Entitlement to FECA benefits may not be based on surmise, conjecture, speculation, or on the employee's own belief of a causal relationship.¹⁷

The Board finds that the record lacks medical evidence establishing a causal relationship between appellant's head contusion and the December 19, 2017 employment incident. Thus, appellant has not met his burden of proof.

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 has not met his burden of proof to establish a head contusion causally related to the accepted December 19, 2017 employment incident.

¹³ *Id.*

¹⁴ Medical evidence that does not offer an opinion regarding the cause of an employee's condition or disability is of no probative value on the issue of causal relationship. *See L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

¹⁵ 20 C.F.R. § 10.115(e).

¹⁶ *See D.I.*, 59 ECAB 158, 162 (2007).

¹⁷ *See M.H.*, Docket No. 16-0228 (issued June 8, 2016).

ORDER

IT IS HEREBY ORDERED THAT the April 8, 2019 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: December 20, 2019
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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