

ISSUE

The issue is whether appellant has met her burden of proof to establish a traumatic injury causally related to the accepted October 19, 2018 employment incident.

FACTUAL HISTORY

On October 26, 2018 appellant, then a 32-year-old housing unit crew leader, filed a traumatic injury claim (Form CA-1) alleging that on October 19, 2018 she sustained injuries to her left knee, bilateral hips, lower abdomen, chest, and left shoulder when she was involved in a vehicular accident while in the performance of duty. On the reverse side of the claim form, the employing establishment checked the box marked “no” when asked whether appellant was injured in the performance of duty, and noted “car accident.” Appellant did not stop work.

In a development letter dated October 31, 2018, OWCP advised appellant of the deficiencies of her claim. It informed her of the factual and medical evidence needed to establish her claim, and provided a questionnaire for her completion. Appellant was afforded 30 days to submit the necessary evidence. No additional evidence was received.

By decision dated December 12, 2018, OWCP accepted that the alleged incident occurred in the performance of duty as alleged, but denied the claim finding that appellant had not submitted evidence containing a medical diagnosis in connection with the October 19, 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 period 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 whether a federal employee has sustained a traumatic injury in the performance of duty it must first be determined whether fact of injury has been established.⁷ First,

³ *Supra* note 1.

⁴ *S.C.*, Docket No. 18-1242 (issued March 13, 2019); *S.B.*, Docket No. 17-1779 (issued February 7, 2018); *J.P.*, 59 ECAB 178 (2007); *Joe D. Cameron*, 41 ECAB 153 (1989).

⁵ *S.C.*, *id.*; *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.K.*, Docket No. 19-1193 (issued October 21, 2019); *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 *R.C.*, Docket No. 19-0376 (issued July 15, 2019). *T.H.*, 59 ECAB 388, 393-94 (2008).

the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time, place, and in the manner alleged.⁸ Second, the employee must submit sufficient evidence to establish that the employment incident caused a personal injury.⁹

Causal relationship is a medical issue and the medical evidence required to establish causal relationship is rationalized medical opinion evidence.¹⁰ Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized opinion on the issue of whether there is causal relationship between the claimant's diagnosed condition and the implicated employment factors. 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.¹¹

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish a traumatic injury causally related to the accepted October 19, 2018 employment incident.

The only evidence appellant submitted to the record was her completed Form CA-1. OWCP advised appellant in a development letter dated October 31, 2018 that further medical evidence was necessary to establish her claim. It also afforded her an opportunity to submit a narrative medical report from her physician, which included a diagnosis and an opinion regarding causal relationship.¹² However, appellant did not respond. She has the burden of proof to submit rationalized medical evidence establishing that a diagnosed medical condition was causally related to the October 19, 2018 employment incident.¹³ Appellant has not submitted such evidence and thus the Board finds that she has not met her 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.

⁸ *C.L.*, Docket No. 18-1732 (issued April 2, 2019); *D.S.*, Docket No. 17-1422 (issued November 9, 2017); *Elaine Pendleton*, 40 ECAB 1143 (1989).

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

¹⁰ *K.K.*, *supra* note 6; *M.B.*, Docket No. 17-1999 (issued November 13, 2018).

¹¹ *K.K.*, *id.*; *M.L.*, Docket No. 18-1605 (issued February 26, 2019).

¹² *See A.F.*, Docket No. 17-1374 (issued March 19, 2019).

¹³ *P.D.*, Docket No. 19-0600 (issued August 12, 2019); *see also R.C.*, Docket No. 18-1639 (issued February 26, 2019).

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish a traumatic injury causally related to the accepted October 19, 2018 employment incident.

ORDER

IT IS HEREBY ORDERED THAT the December 12, 2018 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: December 4, 2019
Washington, DC

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

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board