

the performance of duty. He reported that, while walking down steps on a catwalk, he felt pain in his left foot which increased throughout the day.

On November 18, 2017 appellant sought treatment from Dr. Taira C. Everett, Board-certified in internal medicine, and Dr. Peter Su, a Board-certified family practitioner. Neither physician found a stress fracture based on x-rays.

On November 18, 2017 Dr. Scott W. Nutter, Board-certified in podiatric medicine and surgery, reported that on November 14, 2017 appellant had developed left foot pain while coming down a catwalk from the eight-foot press. By the end of the day, he could not walk. Dr. Nutter found mild edema in appellant's left forefoot with the maximum pain near his second metatarsal. He noted that appellant wore steel-toed shoes. Dr. Nutter diagnosed sprained forefoot and possible metatarsal stress fracture. On November 28 and December 8, 2017 he diagnosed sprained left forefoot and possible stress fracture. Dr. Nutter attributed appellant's condition to stepping down steps/catwalk. He indicated by checking a box marked "yes" that he believed that appellant's condition was caused or aggravated by his employment activity.

In a report dated November 22, 2017, Dr. Richard Chang, a family practitioner, examined appellant and diagnosed pain in the left foot.

By development letter of February 23, 2018, OWCP informed appellant that the evidence of record was insufficient to establish his claim. It advised him of the medical and factual evidence necessary and provided a questionnaire for completion. OWCP afforded 30 days for the submission of additional evidence. On March 22, 2018 appellant requested an extension of time to comply with this request.

By decision dated March 28, 2018, OWCP denied appellant's traumatic injury claim, finding that he had not established fact of injury as he failed to respond to the questionnaire and explain how the November 14, 2017 employment incident occurred. It further found that he had not provided medical evidence establishing a diagnosed medical condition causally related to the November 14, 2017 employment incident.

On May 1, 2018 appellant requested reconsideration of the March 28, 2018 decision and provided additional evidence. On November 20, 2017 Dr. Nutter examined appellant due to a November 14, 2017 left foot injury at work. He reported that appellant was coming down from a catwalk off a press and felt immediate pain in his left foot. Dr. Nutter diagnosed sprained forefoot and possible metatarsal stress fracture. During an examination on February 8, 2018 appellant reported no further left foot pain and Dr. Nutter found no edema on examination.

Also on May 1, 2018 appellant submitted a completed OWCP development questionnaire. He noted that, while descending from the upper catwalk steps, he felt pain in his left foot which increased throughout the day. Thereafter, appellant was unable to work for three days. He noted that he had previously been diagnosed with gout in his left toe and cellulitis.

By decision dated July 26, 2018, OWCP modified the March 28, 2018 decision to find fact of injury, but denied the claim based on a lack of medical evidence establishing causal relationship between his accepted November 14, 2017 employment incident and his diagnosed left foot conditions.

LEGAL PRECEDENT

An employee seeking benefits under FECA² 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,³ that an injury was sustained in the performance of duty as alleged, and that any disability or specific condition for which compensation is claimed is causally related to the employment injury.⁴ 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.⁵

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it first must be determined whether fact of injury has been established. There are two components involved in establishing fact of injury. First, the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time and place, and in the manner alleged. Second, the employee must submit medical evidence to establish that the employment incident caused a personal injury.⁶

Causal relationship is a medical issue, and the medical evidence required to establish causal relationship is rationalized medical evidence.⁷ The opinion of the physician must be based on a complete factual and medical background, 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 incident.⁸

ANALYSIS

The Board finds that appellant has not met his burden of proof to establish that his left foot condition is causally related to the accepted November 14, 2017 employment incident.

Appellant sought treatment on November 18, 2017 from Dr. Nutter who diagnosed left forefoot sprain. He completed form reports and checked a box marked “yes” indicating that the condition was caused or aggravated by the employment. The Board has held that an opinion

² *Id.*

³ *S.B.*, Docket No. 17-1779 (issued February 7, 2018); *J.P.*, 59 ECAB 178 (2007); *Joe D. Cameron*, 41 ECAB 153 (1989).

⁴ *J.M.*, Docket No. 17-0284 (issued February 7, 2018); *R.C.*, 59 ECAB 427 (2008); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

⁵ *A.D.*, Docket No. 17-1855 (issued February 26, 2018); *Gary J. Watling*, 52 ECAB 357 (2001).

⁶ *A.D.*, *id.*; *T.H.*, 59 ECAB 388 (2008).

⁷ *J.P.*, Docket No. 18-1165 (issued January 15, 2019).

⁸ *A.D.*, *supra* note 5; *I.J.*, 59 ECAB 408 (2008); *Victor J. Woodhams*, 41 ECAB 345 (1989).

consisting only of a checkmark notation supporting causation, without supporting medical rationale, is of limited probative value and insufficient to establish causal relationship.⁹

There is no other medical evidence of record supporting causal relationship between appellant's left foot condition and his November 14, 2017 employment incident. Neither Dr. Su nor Dr. Everett provided an opinion as to whether appellant's left foot condition was causally related to the accepted employment incident. The Board has held that medical evidence that does not offer an opinion regarding the cause of an employee's condition is of no probative value on the issue of causal relationship.¹⁰ These reports are, therefore, insufficient to establish appellant's claim. It is further noted that Dr. Chang only diagnosed foot pain.

The Board has consistently held that pain is a symptom and not a compensable medical diagnosis.¹¹ Without a clear diagnosis, Dr. Chang's report is of limited probative value in establishing appellant's traumatic injury claim.¹²

As appellant has not submitted sufficiently rationalized medical evidence to support his allegation that he sustained an injury causally related to the accepted November 14, 2017 employment incident, he has not met his burden of proof to establish a claim.

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 left foot condition causally related to the accepted November 14, 2017 employment incident.

⁹ *K.R.*, Docket No. 18-1388 (issued January 9, 2019).

¹⁰ *See L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

¹¹ *See K.V.*, Docket No. 18-0723 (issued November 9, 2018); *B.P.*, Docket No. 12-1345 (issued November 13, 2012); *C.F.*, Docket No. 08-1102 (issued October 2008).

¹² *E.K.*, Docket No. 18-0091 (issued April 6, 2018).

ORDER

IT IS HEREBY ORDERED THAT the July 26, 2018 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: March 7, 2019
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