

slipped and fell on a sticky grease mat while in the performance of duty. On the reverse side of the claim form the employing establishment indicated that appellant stopped work on that day and returned to work on October 30, 2018. It also checked the box marked “No” when asked whether appellant was injured in the performance of duty.

In a development letter dated November 26, 2018, OWCP informed appellant that additional factual and medical evidence was necessary to establish her claim, and provided a questionnaire for her completion. It afforded her 30 days to submit the necessary evidence. In a separate development letter of even date, OWCP advised the employing establishment of appellant’s claim, and requested additional information regarding the circumstances surrounding appellant’s alleged injury. It afforded the employing establishment 30 days to submit the requested information.

In a supplemental statement dated December 4, 2018, appellant recounted that she was walking in the employing establishment kitchen near the fryers when a mat stuck to her shoe, she fell forward on the mat, and landed on her knees and stomach. She indicated that a coworker helped her off the floor and she returned to work, but she then felt pain in her knees and in the lower right part of her back and she sought medical treatment.

In a report dated December 7, 2018, Dr. Joyce Evans, Board-certified in family medicine, noted that she examined appellant on November 6 and 20, 2018. She also noted that x-rays of appellant’s lumbar spine and right knee dated November 30, 2018 revealed minimal spondylosis and some degenerative changes to her right knee, but no evidence of fracture. Dr. Evans further related that appellant’s knee pain resolved by her November 6, 2018 encounter, but she still continued to experience significant back pain. She diagnosed back spasm and ongoing back pain, and opined that appellant’s fall at work caused her back injury.

By decision dated January 7, 2019, OWCP denied appellant’s claim finding that she had not submitted medical evidence containing a medical diagnosis in connection with the accepted October 29, 2018 employment incident.

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 timely filed within the applicable time limitation period of FECA,³ 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

² *Id.*

³ *See M.C.*, Docket No. 18-1278 (issued March 7, 2019); *S.B.*, Docket No. 17-1779 (issued February 7, 2018); *J.P.*, 59 ECAB 178 (2007); *Joe D. Cameron*, 41 ECAB 153 (1989).

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

In order to determine whether a federal employee has sustained a traumatic injury in the performance of duty, OWCP must first determine whether fact of injury has been established.⁶ 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, place, and in the manner alleged.⁷ Second, the employee must submit evidence to establish that the employment incident caused a personal injury.⁸

Causal relationship is a medical issue, and the medical evidence required to establish causal relationship is rationalized medical evidence.⁹ 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.¹⁰

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish a diagnosed medical condition causally related to the accepted October 29, 2018 employment incident.

In support of her claim, appellant submitted a report dated December 7, 2018 from Dr. Evans who indicated that appellant had back spasms and ongoing back pain. The Board has held that a muscle spasm is a symptom and not a compensable medical diagnosis.¹¹ Likewise, the Board has held that pain is a symptom, not a diagnosis.¹² A medical report is of no probative value if it does not provide a firm diagnosis of a particular medical condition, or offer a specific opinion as to whether the accepted employment incident caused or aggravated the claimed condition.¹³ As

⁴ *J.P.*, Docket No. 19-0197 (issued June 21, 2019); *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 *J.P.*, *id.*; *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).

⁶ *D.B.*, Docket No. 18-1359 (issued May 14, 2019); *S.P.*, 59 ECAB 184 (2007); *Alvin V. Gadd*, 57 ECAB 172 (2005).

⁷ *D.B.*, *id.*; *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁸ *M.H.*, Docket No. 18-1737 (issued March 13, 2019); *John J. Carlone*, 41 ECAB 354 (1989).

⁹ *C.W.*, Docket No. 19-0231 (issued July 15, 2019).

¹⁰ *D.B.*, *supra* note 6; *S.S.*, Docket No. 18-1488 (issued March 11, 2019).

¹¹ *See T.J.*, Docket No. 18-1500 (issued May 1, 2019); *see also J.G.*, Docket No. 17-1382 (issued October 18, 2017).

¹² *D.B.*, *supra* note 6; *E.M.*, Docket No. 18-1599 (issued March 7, 2019).

¹³ *T.J.*, *supra* note 11; *C.M.*, Docket No. 18-0146 (issued August 16, 2018).

Dr. Evans did not diagnose an actual medical condition causing appellant's symptoms, her report lacks probative value and is insufficient to establish appellant's claim.¹⁴

The Board finds that appellant has not submitted rationalized, probative medical evidence sufficient to establish a diagnosed medical condition causally related to her accepted employment incident of October 29, 2018.¹⁵ Appellant, therefore, 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.

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish a diagnosed medical condition causally related to the accepted October 28, 2019 employment incident.

ORDER

IT IS HEREBY ORDERED THAT the January 7, 2019 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: September 6, 2019
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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

¹⁴ *T.J.*, *supra* note 11; *see D.K.*, Docket No. 17-1186 (issued June 11, 2018).

¹⁵ *Supra* note 10.