



## ISSUE

The issue is whether appellant met his burden of proof to establish left leg and hip injuries causally related to the accepted February 27, 2019 employment incident.

## FACTUAL HISTORY

On March 5, 2019 appellant, then a 66-year-old mail carrier, filed a traumatic injury claim (Form CA-1) alleging that on February 27, 2019 he sustained an upper left leg injury while in the performance of duty. In an accompanying narrative statement, he explained that he tripped on a box and harshly twisted his left leg while trying to regain his balance. Appellant noted that he felt a sharp snapping pain in his upper left leg and tried to walk it off. On the reverse side of the claim form, the employing establishment acknowledged that he did trip over a box, but controverted his claim asserting that the injury was caused by his willful misconduct as he should not have been in the area where the custodian was moving a file cabinet. Appellant did not stop work.

In a March 6, 2019 report, Dr. Stephen Lojewski, an osteopath specializing in emergency medicine, noted that appellant tripped on an obstruction at work and pulled his upper left leg. He diagnosed left thigh pain/strain, left hip pain, and left quadriceps strain.

Appellant submitted emergency department discharge instructions, dated March 6, 2019, which provided instructions for care for hip and knee pain and recommended light-duty work with restrictions with follow up in two days.<sup>3</sup>

In a March 14, 2019 development letter, OWCP informed appellant that the evidence of record was insufficient to establish his claim. It advised him of the type of factual and medical evidence needed and provided a questionnaire for his completion. OWCP afforded appellant 30 days to submit the necessary evidence.

X-rays of appellant's left knee, dated March 6, 2019, revealed no acute fracture or dislocation. X-rays of his left hip of even date showed moderate degenerative change with joint space narrowing and subchondral sclerosis as well as spurring.

In a March 11, 2019 report, Dr. Fathallah Hayek, a specialist in emergency medicine, noted that appellant had ongoing pain in the left thigh after tripping and twisting his leg. He examined appellant and indicated that there was no gross abnormality, instability, or deformity in the left leg. Dr. Hayek diagnosed left thigh strain and left hip sprain.

In a March 11, 2019 duty status report (Form CA-17), Dr. Hayek diagnosed left thigh strain and left hip sprain. He indicated that appellant was advised to resume full-time work without restrictions on March 11, 2019.

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<sup>3</sup> Appellant also submitted a partially completed duty status report (Form CA-17) which was completed by a supervisor, but not by a physician.

In a March 22, 2019 report, Dr. Hayek noted that appellant had intermittent pain in the left leg that was radiating, sharp, and throbbing. He examined appellant and indicated that there were no abnormal findings. Dr. Hayek diagnosed left thigh strain and left hip sprain.

In a March 22, 2019 Form CA-17 report, Dr. Hayek again diagnosed left thigh strain and left hip sprain. He indicated that appellant was advised to resume full-time work without restrictions on March 22, 2019.

By decision dated April 15, 2019, OWCP denied appellant's traumatic injury claim, finding that the medical evidence of record was insufficient to establish causal relationship between appellant's diagnosed conditions and the accepted February 27, 2019 employment incident.

On May 1, 2019 appellant, through counsel, requested an oral hearing before an OWCP hearing representative.

Appellant resubmitted emergency department discharge notes and reports and x-rays, dated March 6, 2019.

A telephonic hearing was held on August 12, 2019. Counsel argued that appellant's claim should be accepted for sprain of the hip and upper leg. He contended that it was difficult to get a fully-rationalized medical opinion on causal relationship from an emergency room doctor and that appellant was only seeking compensation for two medical bills with no lost time.

By decision dated October 28, 2019, OWCP's hearing representative affirmed the April 15, 2019 decision.

### **LEGAL PRECEDENT**

An employee seeking benefits under FECA<sup>4</sup> 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,<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup>

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<sup>4</sup> *Supra* note 2.

<sup>5</sup> *G.L.*, Docket No. 18-1057 (issued April 14, 2020); *J.P.*, 59 ECAB 178 (2007); *Joe D. Cameron*, 41 ECAB 153 (1989).

<sup>6</sup> *M.G.*, Docket No. 18-1616 (issued April 9, 2020); *R.C.*, 59 ECAB 427 (2008); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

<sup>7</sup> 20 C.F.R. § 10.115; *A.S.*, Docket No. 19-1955 (issued April 9, 2020); *L.M.*, Docket No. 13-1402 (issued February 7, 2014); *Delores C. Ellyett*, 41 ECAB 992 (1990).

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

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.<sup>10</sup> 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 incident identified by the claimant.<sup>11</sup>

OWCP's procedures recognize that a claim may be accepted without a medical report when the condition is a minor one which can be identified on visual inspection.<sup>12</sup> In clear-cut traumatic injury claims, such as a fall resulting in a broken arm, a physician's affirmative statement is sufficient and no rationalized opinion on causal relationship is needed. In all other traumatic injury claims, a rationalized medical opinion supporting causal relationship is required.<sup>13</sup>

### ANALYSIS

The Board finds that appellant has met his burden of proof to establish a left leg and hip injuries causally related to the accepted February 27, 2019 employment incident.

In its April 15 and October 28, 2019 decisions, OWCP found that the employment incident occurred as alleged, a medical condition had been diagnosed, and appellant was injured in the performance of duty. However, it denied his traumatic injury claim finding that medical evidence of record was insufficient to establish a causal relationship between his diagnosed conditions and the accepted employment incident.

Appellant submitted a March 6, 2019 report from Dr. Lojewski who noted that appellant tripped on an obstruction at work and pulled his upper left leg. Dr. Lojewski diagnosed left thigh strain and left quadriceps strain. Appellant also submitted March 11 and 22, 2019 reports from Dr. Hayek who noted that appellant had ongoing pain in the left thigh after tripping and twisting his leg. Dr. Hayek diagnosed left thigh strain and left hip sprain.

In clear-cut traumatic injury claims, where the fact of injury is established and is clearly competent to cause the condition described (for instance, a worker falls from a scaffold and breaks

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<sup>8</sup> *R.K.*, Docket No. 19-0904 (issued April 10, 2020); *Elaine Pendleton*, 40 ECAB 1143 (1989).

<sup>9</sup> *Y.D.*, Docket No. 19-1200 (issued April 6, 2020); *John J. Carlone*, 41 ECAB 354 (1989).

<sup>10</sup> *L.F.*, Docket No. 19-1905 (issued April 10, 2020); *Jacqueline M. Nixon-Steward*, 52 ECAB 140 (2000).

<sup>11</sup> *A.S.*, Docket No. 19-1955 (issued April 9, 2020); *Leslie C. Moore*, 52 ECAB 132 (2000).

<sup>12</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.805.3(c) (January 2013).

<sup>13</sup> *Id.* at Chapter 2.805.3(d) (January 2013).

an arm), a fully-rationalized medical opinion is not needed. The physician's diagnosis and an affirmative statement are sufficient to accept the claim.<sup>14</sup>

The Board finds that appellant has established a clear-cut traumatic injury. OWCP accepted that the February 27, 2019 employment incident occurred as alleged, a medical condition had been diagnosed, and appellant was injured in the performance of duty. Both Dr. Lojewski and Dr. Hayek provided descriptions of appellant tripping and twisting his left leg at work. The physicians diagnosed left thigh strain, left quadriceps strain, and left hip sprain. The Board finds that this evidence is sufficient to meet appellant's burden of proof that he sustained left leg and hip injuries on February 27, 2019.<sup>15</sup>

As appellant has established that injuries resulted from the February 27, 2019 employment incident, the Board will, therefore, reverse OWCP's October 28, 2019 decision and remand the case for payment of medical costs and wage-loss compensation, if any.

### **CONCLUSION**

The Board finds that appellant has met his burden of proof to establish a left leg and hip injuries causally related to the accepted February 27, 2019 employment incident.

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<sup>14</sup> *Id.* See also *A.J.*, Docket No. 19-1289 (issued December 31, 2019).

<sup>15</sup> *Id.*

**ORDER**

**IT IS HEREBY ORDERED THAT** the October 28, 2019 decision of the Office of Workers' Compensation Programs is reversed and the case is remanded for further proceedings consistent with this decision of the Board.

Issued: August 18, 2020  
Washington, DC

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

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Alternate Judge  
Employees' Compensation Appeals Board