

ISSUE

The issue is whether appellant has met his burden of proof to establish a diagnosed medical condition causally related to the accepted May 20, 2019 employment incident.

FACTUAL HISTORY

On June 3, 2019 appellant, then 45-year-old deportation officer, filed a traumatic injury claim (Form CA-1) alleging that on May 20, 2019 he injured his hand and wrist while in the performance of duty. He explained that a subject was resisting arrest and a takedown technique was applied to place him into handcuffs. As the subject was being restrained, appellant's hand and wrist landed under the subject's upper torso. Appellant did not stop work.

OWCP received a May 28, 2019 billing statement for a May 22, 2019 x-ray examination of appellant's wrist.

In a development letter dated June 27, 2019, OWCP advised appellant that it required additional factual and medical evidence to establish his claim. It attached a questionnaire, requesting that he provide a detailed description of the employment incident believed to have contributed to his alleged injury, including a description of the exact medical condition he was claiming. OWCP also requested that appellant submit a narrative medical report from his physician, which contained a detailed description of findings and diagnoses, explaining how the reported incident caused or aggravated his medical condition. It afforded him 30 days to respond. Appellant did not submit additional evidence.

By decision dated July 29, 2019, OWCP denied appellant's traumatic injury claim, finding that he had failed to submit medical evidence containing a medical diagnosis in connection with the accepted employment incident. It concluded, therefore, that the requirements had not been met to establish an injury as defined under FECA.

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 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

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).

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 first must be determined whether the fact of injury has been established. There are two components involved in establishing the 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. Second, the employee must submit evidence, in the form of medical evidence, to establish that the employment incident caused a personal injury.⁷

ANALYSIS

The Board finds that appellant has not met his burden of proof to establish a diagnosed medical condition causally related to the accepted May 20, 2019 employment incident.

Appellant alleged that he sustained an injury to his hand and wrist when a detainee's upper torso landed on his wrist as he was performing a takedown technique. OWCP accepted that the May 20, 2019 employment incident occurred as alleged. However, appellant did not submit medical evidence which diagnosed a hand or wrist condition and which offered an opinion regarding causal relationship. OWCP advised him in a development letter dated June 27, 2019 that further medical evidence was necessary to establish his claim. It also afforded appellant an opportunity to submit a narrative medical report from his physician, which included a diagnosis and an opinion regarding causal relationship.⁸ Appellant only submitted a May 28, 2019 billing statement which is of no probative value on the issue of causal relationship. He has the burden of proof to submit rationalized medical evidence establishing that a diagnosed medical condition was causally related to the accepted employment incident.⁹ Accordingly, as appellant failed to submit medical evidence identifying a medical condition in relation to the accepted May 20, 2019 employment incident, he has not met his burden of proof to establish his claim.¹⁰

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.

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 *K.L.*, Docket No. 18-1029 (issued January 9, 2019); *see* 5 U.S.C. § 8101(5) (injury defined); 20 C.F.R. §§ 10.5(ee), 10.5(q) (traumatic injury and occupational disease defined, respectively).

⁸ *See A.F.*, Docket No. 17-1374 (issued March 19, 2019).

⁹ *See R.C.*, Docket No. 18-1639 (issued February 26, 2019).

¹⁰ *See B.G.*, Docket No. 18-0784 (issued November 9, 2018).

CONCLUSION

The Board finds that appellant has not met his burden of proof to establish a diagnosed medical condition causally related to the accepted May 20, 2019 employment incident.

ORDER

IT IS HEREBY ORDERED THAT the July 29, 2019 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: May 4, 2020
Washington, DC

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

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board