

down a step and onto his forearms, primarily unto his left shoulder, while in the performance of duty.

In support of his claim, appellant submitted a report dated June 5, 2020 from Dr. Timothy J. Bergan, an osteopath Board-certified in family and occupational medicine. Dr. Bergan noted the date of injury as December 18, 2019, diagnosed left shoulder strain, and concluded that the injury was work related. He also advised that appellant could return to work without restrictions.

In a development letter dated June 26, 2020, OWCP informed appellant of the deficiencies of 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.

In a report dated July 15, 2020, Dr. Bergan diagnosed appellant with a left shoulder strain and noted that the injury was work related. He also noted that appellant could return to work and had been discharged from medical care.

In a July 7, 2020 response to OWCP's development questionnaire, appellant explained that on December 18, 2019, when delivering a large parcel, his boot caught on the concrete porch and he fell forward. He related that he fell on his forearms and his face landed on top of the parcel. Appellant explained that he was leaning to the left and, thus, his left shoulder took the brunt of the fall. He stated that his pain increased as the day went on. Appellant also stated that he had no similar disability before the injury and received no treatment between December 2019 and June 2020.

By decision dated September 23, 2020, OWCP accepted that the December 18, 2019 employment incident occurred as alleged, but denied appellant's claim as causal relationship has not been established between his left shoulder strain condition and the accepted 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 that the individual is an employee of the United States within the meaning 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 *Supra* note 1.

³ *F.H.*, Docket No. 18-0869 (issued January 29, 2020); *J.P.*, Docket No. 19-0129 (issued April 26, 2019); *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

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it must first be determined whether a 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, place, and in the manner alleged. Second component is whether the employment incident caused a personal injury and can be established only by medical evidence.⁶

The medical evidence required to establish causal relationship between a claimed specific condition and an employment incident is rationalized medical opinion evidence.⁷ The opinion of the physician must be based on a complete factual and medical background of the employee, 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 specific employment factors identified by the employee.⁸

ANALYSIS

The Board finds that appellant has not met his burden of proof to establish that his left shoulder strain was causally related to the accepted December 18, 2019 employment incident.

OWCP received reports dated June 5 and July 15, 2020 from Dr. Bergan. In both reports, Dr. Bergan diagnosed appellant with a left shoulder strain and stated that the injury was work related. While Dr. Bergan provided an opinion on causal relationship, he did not offer any rationale to explain how the accepted employment incident would have caused appellant's diagnosed condition. The Board has held that a medical opinion should offer a medically-sound explanation of how the specific employment incident physiologically caused the diagnosed condition.⁹ These records are, therefore, insufficient to establish causal relationship.

⁴ *L.C.*, Docket No. 19-1301 (issued January 29, 2020); *J.H.*, Docket No. 18-1637 (issued January 29, 2020); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

⁵ *P.A.*, Docket No. 18-0559 (issued January 29, 2020); *K.M.*, Docket No. 15-1660 (issued September 16, 2016); *Delores C. Ellyett*, 41 ECAB 992 (1990).

⁶ *T.H.*, Docket No. 19-0599 (issued January 28, 2020); *K.L.*, Docket No. 18-1029 (issued January 9, 2019); *John J. Carlone*, 41 ECAB 354 (1989).

⁷ *S.S.*, Docket No. 19-0688 (issued January 24, 2020); *A.M.*, Docket No. 18-1748 (issued April 24, 2019); *Robert G. Morris*, 48 ECAB 238 (1996).

⁸ *T.L.*, Docket No. 18-0778 (issued January 22, 2020); *Y.S.*, Docket No. 18-0366 (issued January 22, 2020); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

⁹ *T.W.*, Docket No. 20-0767 (issued January 13, 2021); *see H.A.*, Docket No. 18-1466 (issued August 23, 2019); *L.R.*, Docket No. 16-0736 (issued September 2, 2016).

As there is no reasoned medical evidence explaining how appellant's accepted employment incident caused his left shoulder strain, appellant has not met his burden of proof in establishing causal relationship.

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 that his left shoulder strain was causally related to the accepted December 18, 2019 employment incident.

ORDER

IT IS HEREBY ORDERED THAT the September 23, 2020 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: May 13, 2021
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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