



## ISSUE

The issue is whether appellant has met his burden of proof to establish a right wrist condition causally related to the accepted November 4, 2019 employment incident.

## FACTUAL HISTORY

On November 6, 2019 appellant, then a 71-year-old mail processing clerk, filed a traumatic injury claim (Form CA-1) alleging that on November 4, 2019 he broke his right wrist in two places while in the performance of duty. He explained that he tripped over a long green strap that was wrapped around a short pole causing him to fall on his right side. The employing establishment noted that the incident had occurred in the performance of duty and the facts as alleged by appellant were in agreement with its understanding of the incident. Appellant stopped work on November 5, 2019.

In a November 8, 2019 employing establishment accident report, V.M., appellant's supervisor, explained that on November 4, 2019 appellant was loading a truck and, as he was leaving the truck, he tripped over a green plastic strap that was on the ground and wrapped around a yellow pole.

In a November 13, 2019 development letter, OWCP noted that it had received no evidence in support of appellant's traumatic injury claim. It informed him of the type of factual and medical evidence necessary to establish his claim, including a narrative report from his physician explaining how the reported incident caused or aggravated a diagnosed medical condition. OWCP afforded appellant 30 days to respond.

Appellant submitted November 5, 2019 patient discharge instructions from Dr. Neal Cohen, Board-certified in internal medicine. Dr. Cohen diagnosed a closed fracture of the distal end of the right radius, unspecified fracture. He also attached information sheets providing treatment information for a head injury and a wrist fracture treated with immobilization.

In a computerized tomography (CT) scan dated November 5, 2019, Dr. Hwayoung Lee, a Board-certified radiologist, evaluated appellant's head and chest. He found no acute intracranial hemorrhage or displaced skull fracture in appellant's head and no acute intrathoracic abnormality or rib fractures in his chest.

In a November 5, 2019 medical note, Dr. Uday Shah, a Board-certified internist, referred appellant to another physician for treatment of a slip and fall injury. In a November 14, 2019 letter, he explained that appellant was currently in a cast due to an injury he suffered to his wrist on November 4, 2019. Dr. Shah found that appellant would be unable to return to work until he completed an orthopedic evaluation. In a December 10, 2019 letter, he noted that appellant had not yet been seen by an orthopedist in relation to his November 4, 2019 injury and would need to remain out of work for an additional month as a result.

By decision dated December 19, 2019, OWCP accepted that the November 4, 2019 employment incident occurred as alleged, but denied appellant's traumatic injury claim, finding that the evidence of record did not include medical evidence containing a 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 FECA<sup>3</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 of FECA,<sup>4</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>5</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>6</sup>

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.<sup>7</sup>

Rationalized medical opinion evidence is required to establish causal relationship. 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.<sup>8</sup> Neither the mere fact that a disease or condition manifests itself during a period of employment, nor the belief that the disease or condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.<sup>9</sup>

### **ANALYSIS**

The Board finds that this case is not in posture for decision.

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<sup>3</sup> *Supra* note 1.

<sup>4</sup> *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).

<sup>5</sup> *J.M.*, Docket No. 17-0284 (issued February 7, 2018); *R.C.*, 59 ECAB 427 (2008); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

<sup>6</sup> *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).

<sup>7</sup> *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).

<sup>8</sup> *S.S.*, Docket No. 18-1488 (issued March 11 2019).

<sup>9</sup> *J.L.*, Docket No. 18-1804 (issued April 12, 2019).

In support of his claim, appellant submitted a November 5, 2019 medical note were Dr. Shah indicated that appellant injured his right wrist when he slipped and fell. He also submitted November 5, 2019 patient discharge instructions in which Dr. Cohen diagnosed a right wrist fracture. When taken together, the Board, therefore, finds that the evidence of record establishes the diagnosis of a right wrist fracture.

Therefore, the case must be remanded for consideration of the medical evidence with regard to the issue of causal relationship. Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.

### **CONCLUSION**

The Board finds that appellant has met his burden of proof to establish a right wrist fracture. The Board further finds, however, that this case is not in posture for decision as to whether his diagnosed condition is causally related to the accepted November 4, 2019 employment incident.

### **ORDER**

**IT IS HEREBY ORDERED THAT** the December 19, 2019 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further proceedings consistent with this decision of the Board.

Issued: October 1, 2021  
Washington, DC

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

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

Valerie D. Evans-Harrell, Alternate Judge  
Employees' Compensation Appeals Board