

**United States Department of Labor  
Employees' Compensation Appeals Board**

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<b>L.F., Appellant</b>	)	
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<b>and</b>	)	<b>Docket No. 22-0886</b>
	)	<b>Issued: December 22, 2022</b>
<b>U.S. POSTAL SERVICE, POST OFFICE, Louisville, KY, Employer</b>	)	
_____	)	

*Appearances:*  
*Alan J. Shapiro, Esq., for the appellant<sup>1</sup>*  
*Office of Solicitor, for the Director*

*Case Submitted on the Record*

**DECISION AND ORDER**

Before:  
ALEC J. KOROMILAS, Chief Judge  
PATRICIA H. FITZGERALD, Deputy Chief Judge  
JANICE B. ASKIN, Judge

**JURISDICTION**

On May 26, 2022 appellant, through counsel, filed a timely appeal from a May 13, 2022 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act<sup>2</sup> (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

**ISSUE**

The issue is whether appellant has met her burden of proof to establish a right eye injury causally related to the accepted February 18, 2021 employment incident.

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<sup>1</sup> In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on an appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; *see also* 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

<sup>2</sup> 5 U.S.C. § 8101 *et seq.*

## **FACTUAL HISTORY**

On March 2, 2021 appellant, then a 33-year-old letter carrier, filed a traumatic injury claim (Form CA-1) alleging that on February 18, 2021 she sustained a right eye injury when an object “flew into her eye” while in the performance of duty. She did not stop work.

On March 1, 2021 Postmaster B.G. submitted a letter controverting appellant’s claim. She alleged that appellant delayed informing her of an alleged January 13, 2021 incident where a box had fallen from a truck and struck her right eye. Appellant subsequently sought treatment with an optometrist and was advised there was “nothing wrong.” On February 18, 2022 while on her route looking for her arrow key, she alleged that something flew into her right eye. Appellant returned to the optometrist on February 19, 2021 and was advised that she had a retinal detachment. B.G. contended that appellant’s right eye condition was not employment related as she delayed reporting the alleged workplace incidents. Additionally, she contended that retinal detachment was an inherited condition, noting that when Supervisor K.T. telephoned appellant to check on her, appellant’s mother answered the telephone and advised that she had just undergone the same procedure.

In a development letter dated March 4, 2021, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence needed and provided a questionnaire for her completion. OWCP afforded appellant 30 days to respond.

On March 8, 2021 OWCP received a February 20, 2021 tracking form and aftercare instructions for an eye operation, and a March 4, 2021 scheduling form noting a March 18, 2021 postoperative appointment and a March 29, 2021 cataract evaluation.

By decision dated April 13, 2021, OWCP denied appellant’s traumatic injury claim, finding that the evidence of record was insufficient to establish that the alleged February 18, 2021 employment incident occurred as alleged. Consequently, it found that she had not met the requirements to establish an injury as defined by FECA.

OWCP continued to receive evidence, including appellant’s February 18, 2021 statement asserting that on January 13, 2021 at approximately 12:30 p.m., she opened the rear of her delivery truck and a package fell out and struck her eye. Appellant experienced blurred vision and began seeing “flurries and black dots.” Two days afterward, she advised Supervisor K.T. and Postmaster B.G. of the incident. Appellant went to an optometrist and was told there was nothing wrong. On Thursday, February 18, 2021 at approximately 5:00 p.m., while looking for an arrow key in and around her delivery truck, dust, salt, or dirt flew into her eye and she started to see black dots across her field of vision. Appellant again went to the optometrist and was advised she had a retinal detachment. She underwent retinal repair surgery on February 20, 2021.

OWCP received a February 19, 2021 report by Dr. Andrew Steele, an optometrist, regarding possible retinal detachment in the right eye. Dr. Steele recounted that appellant’s vision “went dark” on February 18, 2021. Approximately one month previously, a box struck appellant’s right eye while she was at work. Appellant sought immediate treatment with an optometrist. Dr. Steele diagnosed right retinal detachment, single break with split fovea, status post-trauma, bilateral glaucoma, and an age-related/combined form cataract in the left eye. He opined that the

employment incident where a box fell onto appellant's right eye was "likely a red herring" as the package was not particularly heavy and caused only a brief and limited amount of pain.

Appellant also submitted chart notes dated from February 22 through April 15, 2021 by Dr. Janelle F. Adeniran, a Board-certified ophthalmologist, noting appellant's recuperation from surgery to repair a single break retinal detachment in the right eye and evaluation for bilateral glaucoma and a cataract in the left eye.

OWCP also received a March 29, 2021 bilateral cataract evaluation by Dr. Kelly E. Sedlock, an optometrist, an April 8, 2021 presurgical consultation report, and an April 21, 2021 operative report by Dr. John Millin, a Board-certified ophthalmologist, noting cataract removal with lens implant in the left eye.

In a July 14, 2021 report, Dr. Anupa Mandava, an ophthalmologist, recounted that appellant had been struck in the right eye by a tray of mail when she opened the rear of her truck, causing "flurries" in her field of vision. On February 18, 2021 while searching for her arrow key, something flew into appellant's right eye, causing blurred vision. Appellant went to an optometrist on February 19, 2021 and was diagnosed with retinal detachment. She then underwent surgery on February 20, 2021. Dr. Mandava opined that "the above diagnosis was directly related to causing [appellant] to have a retinal detachment with vitrectomy surgery."

In an October 20, 2021 report, Dr. Keith Slayden, an optometrist, obtained retinal topography images. He diagnosed age-related nuclear cataract of the right eye, single break retinal detachment of the right eye, dry eye syndrome of the right eye, and cataract with intraocular lens implant in the left eye.

On October 21, 2021 appellant submitted answers to the March 4, 2021 development questionnaire. She recounted that on January 13, 2021 a package from her truck had fallen and struck her right eye, causing a brief blurring of vision. Appellant reported the incident to management on January 15, 2021. On February 18, 2021, while delivering mail, snow or dirt flew into her right eye, causing floaters and black dots in her field of vision.

On November 4, 2021 appellant requested reconsideration.

In a December 28, 2021 report, Dr. Fraser McKay, an optometrist, diagnosed suspected bilateral open angle glaucoma with elevated intraocular pressure in the right eye.

By decision dated February 1, 2022, OWCP denied modification of its April 13, 2021 decision.

In a March 1, 2022 report, Dr. McKay opined that appellant's right retinal detachment was caused by a tub of mail that shifted forward and hit her right eye, not the debris that later flew into her eye on February 18, 2021.

In a March 1, 2002 statement, appellant clarified that Dr. McKay meant to reference the package that had struck her right eye, but instead referred to a tub of mail.

On March 3, 2022 OWCP received screen captures of February 18, 2021 text messages from appellant alleging that something had flown into the same eye that had been struck in January 2021, and asking if she needed to file an accident report.

On March 15, 2022 OWCP received a February 4, 2022 report by Dr. McKay holding appellant off work.

On April 8, 2022 appellant, through counsel, requested reconsideration.

By decision dated May 13, 2022, OWCP modified its February 1, 2022 decision to find that the identified February 18, 2022 employment incident had occurred as alleged. However, it denied the claim as the medical evidence of record did not contain sufficient rationale to establish causal relationship between the diagnosed ocular conditions and the accepted February 18, 2021 employment incident.

### **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 if an employee sustained a traumatic injury in the performance of duty, OWCP begins with an analysis of whether fact of injury has been established.<sup>7</sup> 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>

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<sup>3</sup> 20 C.F.R. § 10.607(a).

<sup>4</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *Reconsiderations*, Chapter 2.1602.4(b) (September 2020).

<sup>5</sup> *G.G.*, Docket No. 18-1072 (issued January 7, 2019); *E.R.*, Docket No. 09-0599 (issued June 3, 2009); *Leon D. Faidley, Jr.*, 41 ECAB 104 (1989).

<sup>6</sup> *See* 20 C.F.R. § 10.607(b); *M.H.*, Docket No. 18-0623 (issued October 4 2018); *Charles J. Prudencio*, 41 ECAB 499, 501-02 (1990).

<sup>7</sup> *L.C.*, Docket No. 18-1407 (issued February 14, 2019); *M.L.*, Docket No. 09-0956 (issued April 15, 2010). *See also* 20 C.F.R. § 10.607(b); *supra* note 4 at Chapter 2.1602.5 (September 2020).

<sup>8</sup> *J.W.*, Docket No. 18-0703 (issued November 14, 2018); *Robert G. Burns*, 57 ECAB 657 (2006).

<sup>9</sup> *J.S.*, Docket No. 16-1240 (issued December 1, 2016); *supra* note 4 at Chapter 2.1602.5(a) (September 2020).

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.<sup>10</sup> A physician's opinion on whether there is causal relationship between the diagnosed condition and the implicated employment incident must be based on a complete factual and medical background.<sup>11</sup> Additionally, the physician's opinion must be expressed in terms of a reasonable degree of medical certainty, and must be supported by medical rationale, explaining the nature of the relationship between the diagnosed condition and appellant's specific employment factor(s).<sup>12</sup>

### ANALYSIS

The Board finds that appellant has not met her burden of proof to establish a right eye injury causally related to the accepted February 18, 2021 employment incident.

Appellant submitted reports by Dr. Adeniran dated February 22 through April 15, 2021, noting appellant's recuperation from right retinal detachment and ongoing evaluations for a cataract in the left eye and bilateral glaucoma. OWCP also received reports by Dr. Sedlock and Dr. Millin regarding surgery to remove the left cataract. Dr. Slayden provided an October 20, 2021 report diagnosing bilateral cataracts, right retinal detachment, right dry eye syndrome, and postsurgical status. As these reports do not provide an opinion on causal relationship between the diagnosed conditions and the accepted February 18, 2021 employment incident, they are of no probative value in establishing causal relationship.<sup>13</sup>

Dr. Steele opined in a February 19, 2021 report that the accepted employment incident caused appellant's right retinal detachment as diagnosed on February 18, 2021. The Board has held that a report is of limited probative value regarding causal relationship if it does not contain medical rationale explaining how a given medical condition/disability was related to employment factors.<sup>14</sup> For this reason, the Board finds that Dr. Steele's February 19, 2021 report is insufficient to establish the claim.

Dr. Mandaya, in a July 14, 2021 report, noted the history of the alleged January 2021 employment incident and the accepted February 18, 2021 employment incident. She opined that the diagnosed right retinal detachment was directly related to the need for surgery. However, Dr. Mandaya did not provide a rationalized medical opinion explaining how the accepted February 18, 2021 employment incident physiologically caused a medical condition. As noted above, a report is of limited probative value regarding causal relationship if it does not contain medical rationale explaining how a given medical condition/disability was related to employment

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<sup>10</sup> 20 C.F.R. § 10.607(a); *see J.W.*, *supra* note 8; *Alberta Dukes*, 56 ECAB 247 (2005).

<sup>11</sup> *Supra* note 4 at Chapter 2.1602.4 (September 2020); *Veletta C. Coleman*, 48 ECAB 367, 370 (1997).

<sup>12</sup> 20 C.F.R. § 10.607(b); *R.C.*, Docket No. 22-0426 (issued July 22, 2022); *see Debra McDavid*, 57 ECAB 149 (2005).

<sup>13</sup> *J.W.*, *supra* note 8.

<sup>14</sup> *See Y.D.*, Docket No. 16-1896 (issued February 10, 2017) (finding that a report is of limited probative value regarding causal relationship if it does not contain medical rationale describing the relation between work factors and a diagnosed condition/disability).

factors.<sup>15</sup> This report is, therefore, insufficient to establish an injury causally related to the accepted employment incident.

In a March 1, 2022 report, Dr. McKay opined that appellant's right retinal detachment was caused by a tub of mail that shifted forward and struck her right eye, and not the February 18, 2021 incident when debris flew into appellant's right eye. Thus, his report negates the alleged causal relationship between the accepted February 18, 2021 employment incident and right retinal detachment. The Board has held that medical evidence that negates causal relationship is of no probative value.<sup>16</sup> Accordingly, this report is insufficient to establish appellant's claim.

The record also contains optical imaging studies. The Board has held, however, that diagnostic studies, standing alone, lack probative value as they do not provide an opinion on causal relationship<sup>17</sup>

As the medical evidence of record is insufficient to establish a medical condition causally related to the accepted February 18, 2021 employment incident, the Board finds that appellant 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 right eye condition causally related to the accepted February 18, 2021 employment incident.

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

<sup>16</sup> *M.W.*, Docket No. 21-1121 (issued April 4, 2022); *C.M.*, Docket No. 21-0435 (issued October 22, 2021).

<sup>17</sup> *N.B.*, Docket No. 20-0794 (issued July 29, 2022); *C.F.*, Docket No. 19-1748 (issued March 27, 2020); *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

**ORDER**

**IT IS HEREBY ORDERED THAT** the May 13, 2022 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: December 22, 2022  
Washington, DC

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

Patricia H. Fitzgerald, Deputy Chief Judge  
Employees' Compensation Appeals Board

Janice B. Askin, Judge  
Employees' Compensation Appeals Board