

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

_____)	
I.M., Appellant)	
)	
and)	Docket No. 21-0584
)	Issued: June 23, 2022
AMERICORPS NATIONAL CIVILIAN)	
COMMUNITY CORPS PACIFIC REGION,)	
McClellan, CA, Employer)	
_____)	

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:
PATRICIA H. FITZGERALD, Deputy Chief Judge
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On March 5, 2021 appellant filed a timely appeal from an October 20, 2020 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act¹ (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.²

ISSUE

The issue is whether appellant has met her burden of proof to establish a medical condition causally related to the accepted August 17, 2020 employment incident.

¹ 5 U.S.C. § 8101 *et seq.*

² The Board notes that, following the October 20, 2020 decision, OWCP received additional evidence. The Board's *Rules of Procedure* provides: "The Board's review of a case is limited to the evidence in the case record that was before OWCP at the time of its final decision. Evidence not before OWCP will not be considered by the Board for the first time on appeal." 20 C.F.R. § 501.2(c)(1). Thus, the Board is precluded from reviewing this additional evidence for the first time on appeal. *Id.*

FACTUAL HISTORY

On August 19, 2020 appellant, then a 19-year-old corps member, filed a traumatic injury claim (Form CA-1) alleging that on August 17, 2020 she sustained bruises and cuts to her head, and experienced soreness as a result of a motor vehicle accident (MVA) while in the performance of duty. A witness, J.O., attested on the claim form that appellant was injured in a roll-over MVA and had been transported to a hospital. On the reverse side of the claim form the employing establishment indicated that its knowledge of the facts about the injury was consistent with appellant's statements, and acknowledged that she was in the performance of duty when injured. Appellant did not stop work.

On September 4, 2020 OWCP received an illegible medical note.

In a September 16, 2020 development letter, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence needed to establish her claim and requested a narrative medical report from her treating physician containing a detailed description of findings and a diagnosis, explaining how her work incident caused or aggravated a medical condition. In a separate development letter of even date, OWCP requested that the employing establishment provide additional information, including comments from a knowledgeable supervisor, regarding her traumatic injury claim. It afforded both parties 30 days to submit the necessary evidence.

In a September 17, 2020 response, the employing establishment indicated that on August 17, 2020 appellant was carrying out official duties when she was involved in a roll-over MVA.

By decision dated October 20, 2020, OWCP accepted that the August 17, 2020 employment incident occurred, as alleged. However, it denied appellant's traumatic injury claim, finding that she had not submitted medical evidence containing a diagnosis in connection with the accepted employment incident. Consequently, OWCP found that appellant had not met the requirements to establish an injury as defined by 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 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 the

³ *Supra* note 1.

⁴ *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).

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 fact of injury has been established. There are two components involved in establishing fact of injury. The first component is that the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time and place, and in the manner alleged. The second component is whether the employment incident caused a personal injury and can be established only by medical evidence.⁷

The medical evidence required to establish causal relationship between a claimed specific condition and an employment incident is rationalized medical opinion evidence.⁸ 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.⁹

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish a medical condition causally related to the accepted August 17, 2020 employment incident.

OWCP, in its September 16, 2020 development letter, notified appellant of the type of evidence needed to establish her traumatic injury claim and afforded her 30 days to submit the necessary evidence. The only evidence received was an illegible note dated September 4, 2020. No additional medical evidence was received prior to the issuance of OWCP's October 20, 2020 decision.

As there is no medical evidence of record establishing a medical condition causally related to the accepted August 17, 2020 employment incident, the Board finds that appellant has not met her burden of proof.

⁵ *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).

⁶ *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).

⁷ *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).

⁸ *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).

⁹ *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).

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 medical condition causally related to the accepted August 17, 2020 employment incident.

ORDER

IT IS HEREBY ORDERED THAT the October 20, 2020 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: June 23, 2022
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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