

ISSUE

The issue is whether appellant has met her burden of proof to establish a diagnosed medical condition in connection with the accepted January 26, 2023 employment incident.

FACTUAL HISTORY

On January 27, 2023 appellant, then a 39-year-old customer service clerk, filed a traumatic injury claim (Form CA-1) alleging that on January 26, 2023 she sustained an injury to her left shoulder when picking up three boxes while in the performance of duty. On the reverse side of the claim form, her supervisor acknowledged that she was injured in the performance of duty, but challenged the factual basis of her claim. Appellant stopped work on January 27, 2023, and returned to work on January 30, 2023.

In a duty status report (Form CA-17) dated January 27, 2023, an advanced practice nurse with an illegible signature diagnosed muscle strain and advised that appellant could return to work.

In a form report dated January 27, 2023, Dr. Charles S. Blackadar, a Board-certified family medicine practitioner, diagnosed left shoulder muscle strain. He indicated, by checking a box marked “Yes,” that the left shoulder muscle strain was causally related to appellant lifting boxes off of a shelf at work on January 26, 2023.

In a February 3, 2023 development letter, OWCP notified 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. In a separate development letter of even date, OWCP requested additional information from the employing establishment. It afforded both parties 30 days to respond.

Appellant subsequently submitted a February 6, 2023 work excuse note signed by Dr. Kristofer D. Larson, a chiropractor, indicating that she was seen on that date.

In a work status note dated February 6, 2023, Dr. C.S. Blackadar, a Board-certified family physician, advised that appellant could return to work with restrictions from February 6 through 16, 2023. In notes dated February 21 and March 6, 2023, Dr. Blackadar extended her work restrictions through March 15, 2023.

In a March 13, 2023 work restriction note, Iva Milgram, a physician assistant, advised that appellant could perform only administrative work with restrictions for four weeks.

The employing establishment continued to submit factual evidence.

By decision dated March 13, 2023, OWCP denied appellant’s traumatic injury claim, finding she had not established that the January 26, 2023 incident occurred, as alleged. It concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

On March 23, 2023 appellant requested reconsideration.

In an April 25, 2023 work excuse note, Dr. Curtis Mina, a Board-certified orthopedic surgeon, held appellant off of work pending a magnetic resonance imaging (MRI) scan.

In a May 22, 2023 work excuse note, Dr. Deryk Anderson, an osteopath specializing in orthopedic surgery, held appellant off work until her postoperative evaluation on June 28, 2023.

By decision dated June 15, 2023, OWCP modified its March 13, 2023 decision to reflect that the January 26, 2023 employment incident occurred, as alleged. However, the claim remained denied as appellant had not submitted a medical report, which diagnosed a medical condition in connection with the accepted January 26, 2023 employment incident.

LEGAL PRECEDENT

An employee seeking benefits under FECA has the burden of proof to establish the essential elements of their claim, including the fact that the individual is an employee of the United States within the meaning of FECA and that the claim was filed within the applicable time limitation period of FECA, 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.³ 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.⁴

To determine if an employee has sustained a traumatic injury in the performance of duty, OWCP begins with an analysis of whether fact of injury has been established. 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 at the time and place, and in the manner alleged.⁵ The second component is whether the employment incident caused an injury.⁶

Causal relationship is a medical issue, and the medical evidence required to establish causal relationship 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 incident identified by the employee.⁸

³ *J.M.*, Docket No. 17-0284 (issued February 7, 2018); *R.C.*, 59 ECAB 427 (2008); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

⁴ *K.M.*, Docket No. 15-1660 (issued September 16, 2016); *L.M.*, Docket No. 13-1402 (issued February 7, 2014); *Delores C. Ellyett*, 41 ECAB 992 (1990).

⁵ *B.P.*, Docket No. 16-1549 (issued January 18, 2017); *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁶ *M.H.*, Docket No. 18-1737 (issued March 13, 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).

ANALYSIS

The Board finds that appellant has met her burden of proof to establish a diagnosed medical condition in connection with the accepted January 26, 2023 employment incident.

Appellant submitted a January 27, 2023 form report by Dr. Blackadar, who diagnosed left shoulder muscle strain and indicated with a “Yes” checkmark that the condition was causally related to appellant’s claimed employment injury of January 26, 2023 when he lifted boxes off of a shelf.

In light of the diagnosis of left shoulder muscle strain by appellant’s attending physician, Dr. Blackadar, the Board thus finds that the evidence of record establishes a diagnosis in connection with the accepted January 26, 2023 employment incident. The Board further finds, however, that the case is not in posture for decision with regard to whether the diagnosed medical condition is causally related to the accepted employment incident.

The case must, therefore, be remanded for consideration of the medical evidence with regard to the issue of causal relationship.⁹ Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision addressing whether appellant has met her burden of proof to establish an injury causally related to the accepted January 26, 2023 employment incident.

CONCLUSION

The Board finds that appellant has met her burden of proof to establish a diagnosed medical condition in connection with the accepted January 26, 2023 employment incident.

⁹ See *C.O.*, Docket No. 23-0678 (issued September 28, 2023); *R.C.*, Docket No. 22-1099 (issued December 28, 2022); *F.D.*, Docket No. 21-1045 (issued December 22, 2021).

ORDER

IT IS HEREBY ORDERED THAT the June 15, 2023 decision of the Office of Workers' Compensation Programs is reversed.

Issued: December 6, 2023
Washington, DC

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

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

James D. McGinley, Alternate Judge
Employees' Compensation Appeals Board