United States Department of Labor
Employees' Compensation Appeals Board

B.L., Appellant	)	
and	)	**Docket No. 22-1338**
	)	**Issued: January 20, 2023**
U.S. POSTAL SERVICE, POST OFFICE, Greensboro, NC, Employer	)	

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

Case Submitted on the Record

DECISION AND ORDER

Before:
ALEC J. KOROMILAS, Chief Judge
VALERIE D. EVANS-HARRELL, Alternate Judge
JAMES D. McGINLEY, Alternate Judge

JURISDICTION

On September 12, 2022 appellant filed a timely appeal from a July 6, 2022 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act[1] (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 diagnosed medical condition causally related to the accepted April 29, 2022 employment incident.

FACTUAL HISTORY

On May 17, 2022 appellant, then a 37-year-old rural carrier associate, filed a traumatic injury claim (Form CA-1) alleging that on April 29, 2022 she bruised her right wrist bone and experienced pain and swelling while in the performance of duty. She indicated that she was

[1] 5 U.S.C. § 8101 *et seq*.

loading her jeep with packages when she turned and hit her right wrist on a door latch, causing pain in her nerves and muscles and aggravated a preexisting ganglion cyst in the same wrist. Appellant stopped work on April 29, 2022.

In support of her claim, appellant submitted an April 30, 2022 work excuse note from James McBryde, a physician assistant, indicating that she was treated that day and could return to work on May 2, 2022.

On May 5, 2022 Dr. Amanda Watts, a Board-certified emergency physician, treated appellant in the emergency room and indicated that she could return to work on May 9, 2022.

In a note dated May 12, 2022, Margaret Monroe, a nurse practitioner, held appellant off work until May 9, 2022 with no activity restrictions thereafter.

In a June 1, 2022 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 afforded her 30 days to submit the necessary evidence.

Thereafter, appellant submitted an undated work note from Kristin Blatz, a physician assistant, providing work restrictions of no pushing, pulling, or lifting greater than 10 pounds with her right hand.

A May 5, 2022 x-ray examination report of appellant's right wrist noted an impression of stable normal radiographs of the right wrist.

A magnetic resonance imaging (MRI) scan report dated June 6, 2022 provided an impression of subluxation of the extensor carpi ulnaris tendon.

By decision dated July 6, 2022, OWCP accepted that the April 29, 2022 employment incident occurred as alleged. However, it denied appellant's traumatic injury claim, finding that she had not submitted medical evidence containing a medical diagnosis from a qualified physician in connection with the accepted April 29, 2022 employment incident. Consequently, OWCP found that the requirements had not been met to establish an injury as defined by FECA.

LEGAL PRECEDENT

An employee seeking benefits under FECA[2] 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,[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 to the

[2] *Id*.

[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).

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 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.[6]

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.[7] The opinion of the physician must be based upon 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.[8]

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish a medical condition causally related to the accepted April 29, 2022 employment incident.

In support of her claim, appellant submitted a May 5, 2022 note from Dr. Watts indicating that she could return to work on May 9, 2022. The Board has held that a medical report is of no probative value if it does not provide a firm diagnosis of a particular medical condition.[9] As Dr. Watts did not diagnose a medical condition in her May 5, 2022 note, this evidence is insufficient to establish a diagnosed medical condition causally related to the accepted April 29, 2022 employment incident.[10]

Appellant also submitted an undated note from Ms. Blatz and an April 30, 2022 note from Mr. McBryde, both physician assistants, as well as a May 12, 2022 note from Ms. Monroe, a nurse practitioner. The Board has long held that certain healthcare providers such as physician assistants

[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] *I.J.*, Docket No. 19-1343 (issued February 26, 2020); *T.H.*, 59 ECAB 388 (2008); *Robert G. Morris*, 48 ECAB 238 (1996).

[8] *D.C.*, Docket No. 19-1093 (issued June 25, 2020); *see L.B.*, Docket No. 18-0533 (issued August 27, 2018).

[9] *A.R.*, Docket No. 19-1560 (issued March 2, 2020); *V.B.*, Docket No. 19-0643 (issued September 6, 2019).

[10] *Id*.

and nurse practitioners are not considered qualified "physician[s]" as defined under FECA and thus their findings, reports and/or opinions, unless cosigned by a qualified physician, will not suffice for purposes of establishing entitlement to FECA benefits.[11] Accordingly, these reports are insufficient to satisfy appellant's burden of proof.[12]

The remaining medical evidence of record consists of diagnostic reports dated May 5 and June 6, 2022. The Board has held that diagnostic tests, standing alone, lack probative value.[13] Accordingly, these reports are also insufficient to establish appellant's claim.

As appellant has not submitted medical evidence establishing a diagnosed medical condition causally related to the accepted April 29, 2022 employment incident, the Board finds that she has not met her burden of proof to establish her claim.

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 April 29, 2022 employment incident.

[11] Section 8102(2) of FECA provides as follows: (2) physician includes surgeons, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, and osteopathic practitioners within the scope of their practice as defined by State law. 5 U.S.C. § 8101(2); 20 C.F.R. § 10.5(t). *See* Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.805.3a(1) (September 2020); *David P. Sawchuk*, 57 ECAB 316, 320 n.11 (2006) (lay individuals such as physician assistants, nurses, and physical therapists are not competent to render a medical opinion under FECA); *see also J.D.*, Docket No. 21-0164 (issued June 15, 2021) (nurse practitioners are not physicians as defined under FECA).

[12] *R.H.*, Docket No. 21-1382 (issued March 7, 2022); *S.E.*, Docket No. 21-0666 (issued December 28, 2021).

[13] *E.W.*, Docket No. 20-0338 (issued October 9, 2020); *D.D.*, Docket No. 20-0626 (issued September 14, 2020); *B.M.*, Docket No. 19-1341 (issued August 12, 2020).

ORDER

IT IS HEREBY ORDERED THAT the July 6, 2022 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: January 20, 2023
Washington, DC

Alec J. Koromilas, 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