United States Department of Labor
Employees' Compensation Appeals Board

K.M., Appellant	)	
and	)	**Docket No. 23-0451**
	)	**Issued: September 25, 2023**
U.S. POSTAL SERVICE, BOGGS ROAD POST OFFICE, Duluth, GA, Employer	)	

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

Case Submitted on the Record

DECISION AND ORDER

Before:
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge
JAMES D. McGINLEY, Alternate Judge

JURISDICTION

On February 13, 2023 appellant filed a timely appeal from a February 3, 2023 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 in connection with the accepted June 3, 2022 employment incident.

FACTUAL HISTORY

On June 10, 2022 appellant, then a 53-year-old rural carrier, filed a traumatic injury claim (Form CA-1) alleging that on May 28, 2022 she sustained mental trauma when she was a passenger in a motor vehicle accident (MVA), after being in another recent car accident, while in the

[1] 5 U.S.C. § 8101 *et seq.*

performance of duty. She noted that there was "[m]ental [t]rauma from two different accidents." On the reverse side of the claim form, the employing establishment challenged the claim. It stated that appellant was not injured in the performance of duty because she was riding as a passenger in her daughter's personal vehicle at the time of the car accident.

In support of her claim, appellant submitted a traffic form report from a May 28, 2022 incident and a photograph of the damaged vehicle.

In a June 23, 2022 development letter, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence required and provided a questionnaire for her completion. OWCP afforded appellant 30 days to submit the requested evidence.

Appellant submitted additional evidence, including a report of a June 3, 2022 MVA.

An x-ray scan of appellant's hands dated June 2, 2022 revealed advanced degenerative osteoarthritis in the distal interphalangeal (DIP) joint.

In a July 15, 2022 narrative statement, appellant responded to the OWCP questionnaire stating that she experienced a lot of trauma and stress during that time period, which caused changes in her behavior. She reported that she was under constant stress at work because of a hostile workplace environment and her negative relationship with her direct supervisor.

By decision dated July 25, 2022, OWCP denied appellant's traumatic injury claim, finding that the evidence of record was insufficient to establish that the May 28, 2022 employment incident occurred, as alleged. It concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

On July 31, 2022 appellant requested reconsideration. She indicated that on May 28, 2022 her daughter borrowed her vehicle to attend a friend's high school graduation party and was involved in an MVA later that night, for which she traveled to the scene of to assist her daughter. Appellant stated that her daughter was very panicked, and the incident caused her extreme mental stress. She reported that she had been off work during that time because of the May 19, 2022 work-related incident for a fractured big toe. Appellant explained that a few days later, on June 3, 2022, she was riding as a passenger in the rental vehicle with her daughter when she was involved in another MVA after a truck hit their vehicle. She also discussed mental stress from her job because of hostile interactions with coworkers and management. Appellant further noted constant pain and swelling in her hands from chronic arthritis as a result of her employment duties. She explained that the series of experiences were stressful and traumatic, which had serious effects on her mental health.

By decision dated October 27, 2022, OWCP denied modification of the July 25, 2022 decision.

On November 6, 2022 appellant requested reconsideration. She explained that the correct date of the alleged employment-related MVA was June 3, 2022.

By decision dated February 3, 2023, OWCP modified its October 27, 2022 decision, finding that appellant had submitted evidence establishing that the June 3, 2022 employment incident occurred, as alleged. However, it denied her claim, finding that the medical evidence of record was insufficient to establish a diagnosed medical condition in connection with the June 3, 2022 employment incident.

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 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. First, 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. Second, the employee must submit sufficient evidence to establish that the employment incident caused a personal injury.[6]

The medical evidence required to establish causal relationship between a claimed specific condition and an employment incident 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]

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[2] *Id*.

[3] *E.K.*, Docket No. 22-1130 (issued December 30, 2022); *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).

[4] *S.H.*, Docket No. 22-0391 (issued June 29, 2022); *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] *E.H.,* Docket No. 22-0401 (issued June 29, 2022); *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] *H.M.*, Docket No. 22-0343 (issued June 28, 2022); *T.J.,* Docket No. 19-0461 (issued August 11, 2020); *K.L.,* Docket No. 18-1029 (issued January 9, 2019); *John J. Carlone*, 41 ECAB 354 (1989).

[7] *S.M.*, Docket No. 22-0075 (issued May 6, 2022); *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] *J.D.*, Docket No. 22-0935 (issued December 16, 2022); *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 not met her burden of proof to establish a diagnosed medical condition in connection with the accepted June 3, 2022 employment incident.

Appellant submitted an x-ray scan of her hands dated June 2, 2022, which revealed advanced degenerative osteoarthritis in the DIP joint. The Board has held that diagnostic reports, standing alone, lack probative value on the issue of causal relationship as they do not provide an opinion regarding whether the accepted employment factors caused a diagnosed condition.[9] As such, this report is insufficient to meet appellant's burden of proof.

The Board finds that appellant has not submitted rationalized, probative medical evidence sufficient to establish a diagnosed medical condition in connection with the accepted June 3, 2022 employment incident. Appellant, therefore, 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 diagnosed medical condition in connection with the accepted June 3, 2022 employment incident.

[9] *A.W.*, Docket No. 22-1196 (issued November 23, 2022); *S.W.*, Docket No. 21-1105 (issued December 17, 2021); *W.L.*, Docket No. 20-1589 (issued August 26, 2021).

ORDER

IT IS HEREBY ORDERED THAT the February 3, 2023 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: September 25, 2023
Washington, DC

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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

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