



## **ISSUE**

The issue is whether appellant has met his burden of proof to establish a medical condition causally related to the accepted September 20, 2023 employment incident.

## **FACTUAL HISTORY**

On May 22, 2024 appellant, then a 63-year-old nurse, filed a traumatic injury claim (Form CA-1) alleging that on September 20, 2023 he injured his right knee, left hand and face when he left work and fell when navigating stairs in the parking area while in the performance of duty. He did not stop work.

In a May 30, 2024 development letter, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of additional factual and medical evidence required and provided a questionnaire for his completion. OWCP afforded appellant 60 days to submit the necessary evidence. In a separate letter of even date, it requested information from the employing establishment, including comments from a knowledgeable supervisor regarding the accuracy of appellant's allegations. OWCP afforded the employing establishment 30 days to respond.

In an undated response to OWCP's development letter, Dr. Michael Rose, an emergency medicine specialist for the employing establishment, advised that it was his understanding that appellant was injured in the employing establishment's parking lot and that the facilities are owned by the employing establishment.

In a follow-up development letter dated July 8, 2024, OWCP advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish his claim. It noted that he had 60 days from the May 30, 2024 letter to submit the requested supporting evidence. OWCP further advised that if the evidence was not received during this time, it would issue a decision based on the evidence contained in the record.

OWCP thereafter received a July 15, 2024 attending physician's report (Form CA-20) from Dr. Rose which indicated that appellant had sustained a ground level fall with positive loss of consciousness while walking down the stairs. Dr. Rose reported the date of treatment as September 23, 2023 and noted objective findings of left maxillary abrasion with tenderness on examination, a negative computerized tomography (CT) scan for definitive fracture but possible medial or inferior orbital wall fracture, left periorbital soft tissue swelling and infraorbital gas. He diagnosed infraorbital gas and left orbital contusion with possible facial fracture, which he opined were caused or aggravated by appellant's fall on the employing establishment's property while in the performance of his routine job duties. Dr. Rose opined that appellant was not currently disabled from work.

By decision dated August 12, 2024, OWCP accepted the September 20, 2023 employment incident as alleged, but denied appellant's traumatic injury claim, finding that the medical evidence of record was insufficient to establish causal relationship between the diagnosed medical conditions and the accepted September 20, 2023 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 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, 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>4</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>5</sup>

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 whether the employee actually experienced the employment incident at the time and place, and in the manner alleged. The second component is whether the employment incident caused an injury.<sup>6</sup>

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.<sup>7</sup> A physician's opinion on whether there is a causal relationship between the diagnosed condition and the employment injury must be based on a complete factual and medical background.<sup>8</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 the accepted employment incident.<sup>9</sup>

Pursuant to OWCP's procedures, no development of a claim is necessary where the condition reported is a minor one, which can be identified on visual inspection by a lay person

---

<sup>3</sup> *Supra* note 1.

<sup>4</sup> *J.D.*, Docket No. 25-0007 (issued December 5, 2024); *J.M.*, Docket No. 17-0284 (issued February 7, 2018); *R.C.*, 59 ECAB 427 (2008); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

<sup>5</sup> *J.D., id.*; *B.H.*, Docket No. 20-0777 (issued October 21, 2020); *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).

<sup>6</sup> *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).

<sup>7</sup> *R.P.*, Docket No. 21-1189 (issued July 29, 2022); *E.M.*, Docket No. 18-1599 (issued March 7, 2019); *Robert G. Morris*, 48 ECAB 238 (1996).

<sup>8</sup> *S.W.*, Docket No. 24-0302 (issued July 26, 2024); *R.P., id.*; *F.A.*, Docket No. 20-1652 (issued May 21, 2021); *M.V.*, Docket No. 18-0884 (issued December 28, 2018); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

<sup>9</sup> *Id.*

(e.g., burn, laceration, insect sting, or animal bite).<sup>10</sup> No medical report is required to establish a minor condition such as a contusion<sup>11</sup> or an abrasion.<sup>12</sup>

### ANALYSIS

The Board finds that appellant has met his burden of proof to establish left maxillary abrasion and left orbital contusion conditions causally related to the accepted September 20, 2023 employment incident.

Dr. Rose, in a July 15, 2024 Form CA-20, recounted the history of the employment-related September 20, 2023 fall with positive loss of consciousness. He noted his September 23, 2023 objective findings, which included left maxillary abrasion with tenderness, left periorbital soft tissue swelling and infraorbital gas, and diagnosed infraorbital gas and left orbital contusion as due to appellant's employment-related fall. As noted OWCP's procedures provide that, if a condition reported is a minor one, such as a burn, laceration, insect sting, or animal bite, which can be identified on visual inspection by a lay person, a case may be accepted without a medical report.<sup>13</sup> Dr. Rose's diagnoses of left orbital contusion and left maxillary abrasion was consistent with appellant's physical examination and the mechanism of injury, as noted by Dr. Rose on September 23, 2023, three days after the September 20, 2023 employment incident. The Board thus finds that the evidence of record establishes that the accepted September 20, 2023 employment incident resulted visible injuries of left orbital contusion and left maxillary abrasion.<sup>14</sup> The Board shall, therefore, reverse the decision in part and remand the case to OWCP for payment of medical expenses and wage-loss compensation for any attendant disability due to appellant's accepted conditions.<sup>15</sup>

The Board further finds that appellant has not met his burden of proof to establish additional conditions as causally related to the accepted September 20, 2024 employment injury.<sup>16</sup>

---

<sup>10</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.800.6a (June 2011). See also Chapter 2.805.3c (May 2023); *E.L.*, Docket No. 24-0924 (issued November 14, 2024); *A.J.*, Docket No. 19-1289 (issued December 31, 2019).

<sup>11</sup> *Id.*; see *B.C.*, Docket No. 20-0498 (issued August 27, 2020) (the Board accepted lumbar contusion as causally related to the accepted employment incident); *S.H.*, Docket No. 20-0113 (issued June 24, 2020); *M.A.*, Docket No. 13-1630 (issued June 18, 2014).

<sup>12</sup> See *K.M.*, Docket No. 25-0031 (issued November 5, 2024) (the Board accepted an extremity abrasion as causally related to the accepted employment incident); *J.R.*, Docket No. 21-0223 (issued January 30, 2023); *A.W.*, Docket No. 22-1196 (issued November 23, 2022).

<sup>13</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.805.3c (May 2023). See also *K.M.*, Docket No. 25-0031 (issued November 5, 2024); *C.S.*, Docket No. 21-0560 (issued July 13, 2023).

<sup>14</sup> *K.M.*, *id.*; see *S.B.*, Docket No. 22-0221 (issued March 14, 2024); *K.C.*, Docket No. 22-0788 (issued August 23, 2023); *J.P.*, Docket No. 22-0868 (issued October 31, 2022); *N.B.*, Docket No. 20-0794 (issued July 29, 2022); *B.W.*, Docket No. 22-0134 (issued May 24, 2022). See also *supra* note 13.

<sup>15</sup> *K.M.*, *supra* note 13; see *A.J.*, Docket No. 20-0484 (issued September 2, 2020).

<sup>16</sup> See *E.L.*, Docket No. 24-0924 (issued November 14, 2024).

In a July 15, 2024 Form CA-20, Dr. Rose related that appellant had sustained a ground level fall with positive loss of consciousness while navigating stairs. Dr. Rose reported the date of treatment as September 23, 2023 and noted objective findings. He diagnosed infraorbital gas and left orbital contusion with possible facial fracture, which he opined were caused or aggravated by appellant's fall on the employing establishment's property while in the performance of his routine job duties. Dr. Rose, however, did not provide rationale explaining his conclusory opinion. 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 was causally related to the accepted employment injury.<sup>17</sup> This evidence is, therefore, insufficient to establish appellant's claim.

As the medical evidence of record is insufficient to establish causal relationship between additional medical conditions and the accepted September 20, 2023 employment injury, the Board finds that appellant has not met his burden of proof with regard to expansion of the acceptance of the 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 established left maxillary abrasion and left orbital contusion conditions causally related to the accepted September 20, 2023 employment injury. The Board further finds that he has not met his burden of proof to establish gas additional conditions as causally related to the accepted September 20, 2023 employment injury.

---

<sup>17</sup> *H.K.*, Docket No. 24-0020 (issued October 24, 2024); *see Y.D.*, Docket No. 16-1896 (issued February 10, 2017) (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).

**ORDER**

**IT IS HEREBY ORDERED THAT** the August 12, 2024 decision of the Office of Workers' Compensation Programs is reversed in part and affirmed in part. The case is remanded for further proceedings consistent with this decision of the Board.

Issued: April 15, 2025  
Washington, DC

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

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

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