

P.V., Appellant

and

**DEPARTMENT OF VETERANS AFFAIRS,
HAMPTON VA MEDICAL CENTER,
Hampton, VA, Employer**

Case Submitted on the Record

¹ 5 U.S.C. § 8101 *et seq.*

breathing issues when she attended an online training while in the performance of duty. She did not stop work.

In an October 25, 2023 employing establishment report of contact form, appellant alleged that she injured her right leg, knee, and ankle when her clothing got snagged on her desk. She also related that she experienced breathing issues and light-headedness when she was exposed to fumes from glue and other chemicals from a repair area near her desk.

On November 7, 2023 S.H., an Occupational Safety and Health Administration (OSHA) record keeper, noted that appellant related that she sustained bruises to her upper thigh when her chair got caught in a gap of unfinished flooring and her clothing snagged on her desk. He also noted that she indicated that chemicals and fumes were seeping from the floor.

In a report of contact form signed on December 4, 2023, S.S., an employing establishment supervisor, related that during a meeting on November 1, 2023 appellant stated that she had hit her thigh on her desk on October 23, 2023 and subsequently noticed a contusion that “welted up.”

In an e-mail dated December 5, 2024, Nicey Kearney, a nurse practitioner, advised C.D., an employing establishment workers’ compensation human resources specialist, that she performed an ergonomic assessment for appellant on October 26, 2023 at which time she reported a lifted tile and an odor. She contacted “safety,” who advised her that the odor was glue holding the tile down.

By letter dated December 7, 2023, the employing establishment controverted appellant’s traumatic injury claim.

In a December 7, 2023 development letter, OWCP informed appellant of the deficiencies of her claim and advised her of the type of factual and medical evidence needed. It afforded her 60 days to respond.

In a follow-up development letter dated January 4, 2024, OWCP advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish her claim. It noted that she had 60 days from the December 7, 2023 development 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. No additional evidence was received.

By decision dated February 7, 2024, OWCP accepted that the October 23, 2023 employment incident occurred, as alleged. However, it denied the claim, finding that the medical evidence of record was insufficient to establish a diagnosed medical condition in connection with the accepted employment incident. OWCP concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

Appellant subsequently submitted additional evidence.

In an attending physician’s report (Form OWCP-20) dated July 20, 2024, Dr. Yu Kwanchan, a family practitioner, noted that appellant related pain in her right thigh and an injury to her quadriceps, which she attributed to bumping her leg into the corner of a desk. She also related frequent headaches, which she attributed to “ceiling leakage in the office building and

chemicals on floor.” Dr. Kwanchan indicated that he had performed a physical examination on December 7, 2023, where he observed signs of right anterolateral thigh swelling and bruising. He diagnosed pain in right thigh, injury of right quadriceps, and headaches. Dr. Kwanchan opined that “it is certainly plausible that factors such as humidity, temperature, air quality, and potential chemical exposure through inhalation route could have contributed to her headaches.” He also noted that “it is quite clear that she had a contusion of her right thigh musculature.” Dr. Kwanchan indicated that appellant was disabled from October 23, 2023 through January 15, 2024.

On December 11, 2024 appellant requested reconsideration of OWCP’s February 7, 2024 decision.

In a January 22, 2025 statement, appellant indicated that a work order was never placed to fix the tiles in her desk area but “a leader in the organization made a phone call to EMS to locate the appropriate department to fix the tiles on the floor.”

By decision dated February 7, 2025, OWCP modified its February 7, 2024 decision to find that appellant had established that a medical condition (headaches) was diagnosed in connection with the accepted employment incident. However, the claim remained denied as the medical evidence of record was insufficient to establish causal relationship between the diagnosed condition and the accepted October 23, 2023 employment incident.

LEGAL PRECEDENT

An employee seeking benefits under FECA² 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. 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

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).

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).

employment incident at the time and place, and in the manner alleged. The second component is whether the employment incident caused an 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

ANALYSIS

The Board finds that appellant has met her burden of proof to establish a contusion of the right thigh causally related to the accepted October 23, 2023 employment incident.

OWCP found that the October 23, 2023 employment incident had occurred at the time and place and in the manner alleged. On November 7, 2023 an OSHA record keeper noted that appellant related that she sustained bruises to her upper thigh when her clothing snagged on her desk. On December 4, 2023 an employing establishment supervisor noted that during a meeting on November 1, 2023 appellant stated that she had hit her thigh on her desk on October 23, 2023 and subsequently noticed a contusion that “welted up.” In a July 20, 2024 Form OWCP-20, Dr. Kwanchan indicated that he performed a physical examination on December 7, 2023, which revealed signs of right anterolateral thigh swelling and bruising. He opined that “it is quite clear that she had a contusion of her right thigh musculature.”

OWCP’s procedures provide that if a condition reported is a minor one, such as a bum, laceration, insect sting, or animal bite, which can be identified on visual inspection by a lay person, and is reported promptly, a case may be accepted without a medical report.⁹ The Board therefore finds that appellant has met her burden of proof to establish a contusion of the right thigh.¹⁰ The

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 *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 *P.C.*, Docket No. 20-0855 (issued November 23, 2020); *Y.S.*, Docket No. 18-0366 (issued January 22, 2020); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

⁹ See Federal (FECA) Procedure Manual, Part 2 -- Claims, *Initial Development of Claims*, Chapter 2.800.6 (May 2023); Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.805.3c (May 2023). See also *R.H.*, Docket No. 20-1684 (issued August 27, 2021); *A.J.*, Docket No. 20-0484 (issued September 2, 2020) (the Board found appellant had met her burden of proof as the medical evidence established visible injuries in the form of ecchymosis and edema).

¹⁰ See *E.A.*, Docket No. 24-0937 (issued October 24, 2024); *J.C.*, Docket No. 21-0406 (issued November 5, 2021); *R.H.*, *id.*; *A.J.*, *id.*; see also *W.R.*, Docket No. 20-1101 (issued January 26, 2021); *S.K.*, Docket No. 18-1411 (issued July 22, 2020).

case shall, therefore, be remanded to OWCP for payment of medical expenses of contusion of the right thigh and any attendant disability.¹¹

The Board further finds, however, that appellant has not met her burden of proof to establish an additional medical condition as causally related to the accepted October 23, 2023 employment injury.

In his July 20, 2024 Form OWCP-20, Dr. Kwanchan also diagnosed pain in right thigh and headaches. He opined that “it is certainly plausible that factors such as humidity, temperature, air quality, and potential chemical exposure through inhalation route could have contributed to her headaches.” The Board has held that pain is a description of a symptom, not a clear diagnosis of a medical condition.¹² Moreover, the Board has held that medical opinions that are speculative or equivocal are of diminished probative value.¹³ Therefore, this evidence is insufficient to establish an additional medical condition causally related to the accepted October 23, 2023 employment injury.

As the medical evidence of record is insufficient to establish an additional medical condition as causally related to the accepted October 23, 2023 employment injury, the Board finds that appellant 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 met her burden of proof to establish a contusion of the right thigh causally related to the accepted October 23, 2023 employment incident. The Board further finds, however, that she has not met her burden of proof to establish an additional medical condition as causally related to the accepted October 23, 2023 employment injury.

¹¹ See *E.B.*, Docket No. 24-0471 (issued June 11, 2024); *J.N.*, Docket No. 24-0169 (issued April 26, 2024); *A.J.*, *id.*

¹² *D.R.*, Docket No. 18-1408 (issued March 1, 2019); *D.A.*, Docket No. 18-0783 (issued November 8, 2018).

¹³ See *L.B.*, Docket No. 23-0099 (issued July 26, 2023); *C.C.*, Docket No. 22-0609 (issued October 25, 2022); *H.A.*, Docket No. 18-1455 (issued August 23, 2019); *Ricky S. Storms*, 52 ECAB 349 (2001) (while the opinion of a physician supporting causal relationship need not be one of absolute medical certainty, the opinion must not be speculative or equivocal. The opinion should be expressed in terms of a reasonable degree of medical certainty).

ORDER

IT IS HEREBY ORDERED THAT the February 7, 2025 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: February 27, 2025
Washington, DC

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

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board