U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of GARY J. WATLING and U.S. POSTAL SERVICE,
POST OFFICE, Homosassa, FL

Docket No. 00-634; Submitted on the Record;
Issued March 1, 2001

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
WILLIE T.C. THOMAS

The issue is whether appellant met his burden of proof to establish that he sustained an injury in the performance of duty on July 26, 1999, causally related to his federal employment.

On July 30, 1999 appellant, then a 56-year-old rural mail carrier, filed a traumatic injury claim alleging that on July 26, 1999 he sustained injuries to his left wrist and hand when his vehicle moved forward while his right arm was in a mailbox. He alleged that he jammed his left wrist and hand when he tried to brace himself. On the reverse side of the claim form, appellant's supervisor noted that appellant first received medical treatment on July 30, 1999 at Seven Rivers Community Hospital. He stopped work on July 30, 1999. On July 30, 1999 appellant rejected a light- or limited-duty job offer and chose to take leave without pay.

To support his claim, appellant submitted an attending physician's report dated July 30, 1999 in which a physician whose signature is illegible noted appellant's complaints and advised him to limit use of his left hand until August 3, 1999. The physician also noted that an x-ray did not reveal a fracture. He diagnosed a flexor tendon strain and indicated by check mark that he believed that appellant's condition was caused or aggravated by his employment.

In an August 6, 1999 statement, the employing establishment asserted that appellant initially alleged that he injured his right arm when his foot slipped from his vehicle's accelerator pedal but later alleged that he injured his left wrist and hand. The employing establishment further alleged that his statements were inconsistent with the surrounding facts and circumstances and that he might have a preexisting left wrist condition.

By letter dated August 31, 1999, the Office of Workers' Compensation Programs requested additional factual and medical evidence from appellant to support his claim. The Office enclosed a list of questions to be answered and submitted.

In response, appellant submitted undated patient care instructions from a physician whose signature is illegible diagnosing a left flexor strain and advising him to use Advil and cold compresses.

Appellant also submitted responses to the Office's list of questions dated September 7, 1999. He alleged that while placing mail into a mailbox his foot slipped from his vehicle's brake pedal causing the vehicle to jump forward and his right arm to bend backwards at the elbow. Appellant further alleged that his left wrist and hand were injured when he tried to brace himself and jammed his left hand into the dashboard. He stated that his right arm swelled and became slightly black and blue but his left wrist and hand did not hurt until the following day. Appellant explained that he delayed seeking medical treatment because he treated himself with ice and hot water soaks.

By decision dated October 13, 1999, the Office denied appellant's claim on the grounds that the evidence of record was insufficient to establish that his condition was causally related to the July 26, 1999 employment incident.

The Board finds that appellant failed to meet his burden of proof to establish that he sustained an injury in the performance of duty on July 26, 1999, causally related to his employment.

An employee seeking benefits under the Federal Employees' Compensation Act[1] has the burden of establishing the essential elements of his claim including the fact that the individual is an employee of the United States within the meaning of the Act, that the claim was timely filed within the applicable time limitation period of the Act, that an injury was sustained in the performance of duty as alleged and that any disability and/or specific condition for which compensation is claimed is causally related to the employment injury.[2] Regardless of whether the asserted claim involves traumatic injury or occupational disease, an employee must satisfy this burden of proof.[3]

To determine whether an employee sustained a traumatic injury in the performance of duty, the Office must determine whether "fact of injury" is established. First, an employee has the burden of demonstrating the occurrence of an injury at the time, place and in the manner alleged, by a preponderance of the reliable, probative and substantial evidence.[4] Second, the employee must submit sufficient evidence, generally only in the form of medical evidence, to establish a causal relationship between the employment incident and the alleged disability and/or condition for which compensation is claimed.[5] An employee may establish that the employment incident occurred as alleged, but fail to show that his or her disability and/or condition relates to

[1] 5 U.S.C. §§ 8101-8193.

[2] *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

[3] *See Ronald K. White*, 37 ECAB 176, 178 (1985).

[4] *See John J. Carlone*, 41 ECAB 354 (1989).

[5] *Shirley A. Temple*, 48 ECAB 404, 407 (1997); *Elaine Pendleton, supra* note 2 at 1145.

the employment incident. As the Office did not dispute that the July 26, 1999 employment incident occurred at the time, place and in the manner alleged, the remaining issue is whether the alleged injury was caused by the employment incident.

In order to satisfy his burden of proof, an employee must submit a physician's rationalized medical opinion on the issue of whether the alleged injury was caused by the employment incident.[6] Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized opinion on the issue of whether there is a causal relationship between the employee's alleged injury and the employment incident. The physician's opinion must be based on a complete factual and medical history of the employee, must be of reasonable certainty and must rationally explain the relationship between the diagnosed injury and the employment incident as alleged by the employee.[7]

In this case, the evidence of record fails to establish that appellant's left flexor tendon strain was causally related to the July 26, 1999 employment incident. The relevant medical evidence of record, consisting only of a July 30, 1999 attending physician's report from a physician whose signature is illegible, fails to adequately address the issue of whether appellant's left flexor tendon strain was causally related to the July 26, 1999 employment incident. By check mark, the physician indicated that appellant's condition was caused or aggravated by his employment; however, the Board has held that when a physician's opinion on causal relationship consists only of checking "yes" to a form question, that opinion has little probative value and is insufficient to establish a causal relationship.[8] As the record does not contain rationalized medical opinion evidence relating appellant's condition to the July 26, 1999 employment incident, he has not satisfied his burden of proof.

[6] *Gary L. Fowler*, 45 ECAB 365, 371 (1994).

[7] *See Shirley R. Haywood*, 48 ECAB 404, 407 (1997).

[8] *Lee R. Haywood*, 48 ECAB 145, 147 (1996).

The decision of the Office of Workers' Compensation Programs dated October 13, 1999 is hereby affirmed.

Dated, Washington, DC
March 1, 2001

Michael J. Walsh
Chairman

David S. Gerson
Member

Willie T.C. Thomas, Member, dissenting:

I must respectfully disagree with the denial of this simple traumatic injury claim. The employing establishment reported for PS Form 2491 (Medical Report -- First Aid Injuries), that on July 26, 1999 at 11:45 a.m. appellant reported:

> "Caught *Right* arm in mailbox while delivering. Notified Supervisor when he returned from route. [Appellant] declined to complete CA-1 or seek medical attention at that time. He worked his regular hours on July 27, 1999. On July 30, 1999 [appellant] came into work and said his *left* wrist hurt and it had to be related to the problem he suffered on July 26, 1999. After a trip to the hospital, they said his left wrist had a *strain*." (Emphasis in the original.)

The form contained a diagnosis of "[f]lexor [t]endon [s]train" and prognosis of "light duty until August 3, 1999." Appellant was referred simultaneously by a Form CA-16, authorization for examination and treatment, by his supervisor, J. Mark Hannah on July 30, 1999. The supervisor referred appellant to the emergency room of Seven Rivers Community Hospital and provided the following description of injury to the hospital:

> "Vehicle jumped while right arm was in mailbox. Jammed left wrist and hand trying to brace himself. Left wrist injury."

The physician at Seven Rivers Community Hospital Emergency Room recorded his own history of injury as "Sudden stop in mail truck (with complaints) of pain to left hand after." The emergency room physician reported that x-ray revealed no fracture, that there was no history or evidence of concurrent or preexisting injury, disease or physical impairment. He diagnosed "[f]lexor [t]endon [s]train" and indicated that he believed the condition found was caused or

aggravated by the employment activity described. Anti-inflamatories and rest were prescribed. Restrictions included limit use of left hand until August 3, 1999 and partial disability from July 30 to August 3, 1999 with followup in three days.

Considering the nature of the traumatic injury alleged, the prompt reporting of the injury to his supervisor, the supervisor authorizing a Form CA-16 and PS 2491 obligating the employing establishment to pay for medical services rendered and the emergency room physician diagnosing a flexor tendon strain following reviewing the history provided by the supervisor and taking his own history of the injury and then causally relating the employment incident to the injury diagnosed, I can see absolutely no basis for denying this claim. A nondescriptive term used herein such as "no rationalized medical evidence" is merely an excuse to honor the employing establishment controversion of this claim and feeble attempt at protecting its workmen's compensation record through advocacy.

For the foregoing reasons, I feel compelled to record this dissent.

Willie T.C. Thomas
Member