United States Department of Labor
Employees' Compensation Appeals Board

M.D., Appellant	)	
and	)	**Docket No. 17-0028**
	)	**Issued: March 13, 2017**
U.S. POSTAL SERVICE, POST OFFICE, Phoenix, AZ, Employer	)	

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

Case Submitted on the Record

DECISION AND ORDER

Before:
CHRISTOPHER J. GODFREY, Chief Judge
ALEC J. KOROMILAS, Alternate Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On October 7, 2016 appellant filed a timely appeal from a September 7, 2016 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 met her burden of proof to establish a traumatic injury causally related to an accepted June 25, 2016 employment incident.

FACTUAL HISTORY

On July 6, 2016 appellant, then a 56-year-old rural carrier associate, filed a traumatic injury claim (Form CA-1) alleging that on June 25, 2016 she sustained an injury to the middle finger of her right hand when a door closed on her finger.

[1] 5 U.S.C. § 8101 *et seq.*

In an attached statement dated June 30, 2016, appellant explained that when placing pressure to close a door, she hurt her right hand. She related that she continued working until she finished her route, but the pain in her hand slowly increased. Appellant reported that when the pain became unbearable she reported it to her supervisor and returned home. She indicated that she went to the emergency room for treatment.

OWCP received a June 30, 2016 emergency room record from Dr. Herminia Herrera-Tan, Board-certified in geriatric and internal medicine, Dr. Herrera-Tan related appellant's complaints of right middle finger pain and hand pain that began on the previous Saturday. Appellant's diagnosis was related as finger pain.[2]

In a July 8, 2016 letter, a health and resource management specialist for the employing establishment controverted appellant's claim alleging that she failed to establish causal relationship and fact of injury. The employing establishment contended that the medical evidence failed to provide an accurate history of injury or a medical diagnosis of any injury.

By letter dated July 14, 2016, OWCP advised appellant that the evidence submitted was insufficient to establish her claim. It requested that she submit additional medical evidence to establish that she sustained a diagnosed medical condition causally related to the employment incident. Appellant was afforded 30 days to submit the additional information. No response was provided.

OWCP denied appellant's claim in a decision dated September 7, 2016. It accepted that the June 25, 2016 incident occurred as alleged, but denied appellant's claim because the medical evidence failed to establish a diagnosed medical condition causally related to the accepted employment incident.

LEGAL PRECEDENT

An employee seeking benefits under FECA[3] has the burden of proof to establish the essential elements of his or her claim by the weight of the reliable, probative, and substantial evidence[4] including that he or she sustained an injury in the performance of duty and that any specific condition or disability for work for which he or she claims compensation is causally related to that employment injury.[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.[6] There are two components involved in establishing the fact of injury. First, the employee must submit sufficient evidence to establish that he or she actually experienced the employment

[2] This report also listed Maikel Hernandez Diaz, a physician assistant, as a primary care physician.

[3] *Supra* note 1.

[4] *J.P.*, 59 ECAB 178 (2007); *Joseph M. Whelan*, 20 ECAB 55, 58 (1968).

[5] *G.T.*, 59 ECAB 447 (2008); *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

[6] *S.P.*, 59 ECAB 184 (2007); *Alvin V. Gadd*, 57 ECAB 172 (2005).

incident at the time, place, and in the manner alleged.[7] Second, the employee must submit evidence, generally only in the form of probative medical evidence, to establish that the employment incident caused a personal injury.[8] An employee may establish that the employment incident occurred as alleged, but fail to show that his or her disability or condition relates to the employment incident.[9]

Whether an employee sustained an injury in the performance of duty requires the submission of rationalized medical opinion evidence.[10] 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 the specific employment factors identified by the employee.[11] The weight of the medical evidence is determined by its reliability, its probative value, its convincing quality, the care of analysis manifested, and the medical rationale expressed in support of the physician's opinion.[12]

ANALYSIS

Appellant alleged that on June 25, 2016 she sustained an injury to the middle finger of her right hand when a door closed on her finger at work. OWCP accepted that the June 25, 2016 incident occurred as alleged, but denied her claim finding that the medical evidence of record failed to establish a diagnosed condition as a result of the accepted incident. The Board finds that appellant failed to meet her burden of proof to establish a traumatic injury on June 25, 2016 causally related to the accepted employment incident.

The only medical evidence appellant submitted was a June 30, 2016 emergency room report from Dr. Herrera-Tan. This report noted appellant's complaints of right middle finger pain and diagnosed finger pain. It is not possible to establish the cause of a medical condition if the physician has not provided a diagnosis, but only notes pain.[13] The Board has consistently held that pain is a symptom and not a compensable medical diagnosis.[14] Because Dr. Herrera-Tan failed to provide a medical diagnosis, her opinion is of no probative value to establish appellant's claim.

As previously noted, to meet her burden of proof appellant was required to submit a medical opinion which is based on a complete factual and medical background of appellant, must be one of reasonable medical certainty, and must be supported by medical rationale explaining

[7] *Bonnie A. Contreras*, 57 ECAB 364 (2006); *Edward C. Lawrence*, 19 ECAB 442 (1968).

[8] *David Apgar*, 57 ECAB 137 (2005); *John J. Carlone*, 41 ECAB 354 (1989).

[9] *T.H.*, 59 ECAB 388 (2008); *see also Roma A. Mortenson-Kindschi*, 57 ECAB 418 (2006).

[10] *See J.Z.*, 58 ECAB 529 (2007); *Paul E. Thams*, 56 ECAB 503 (2005).

[11] *I.J.*, 59 ECAB 408 (2008); *Victor J. Woodhams*, 41 ECAB 465 (2005).

[12] *James Mack*, 43 ECAB 321 (1991).

[13] *See A.C.*, Docket No. 16-1587 (issued December 27, 2016).

[14] *B.P.*, Docket No. 12-1345 (issued November 13, 2012); *C.F.*, Docket No. 08-1102 (issued October 2008).

the nature of the relationship between the diagnosed condition and the specific employment factors identified by appellant.[15] She did not submit a medical report which contained these elements.

On appeal, appellant does not advance any arguments, but rather resubmits her June 30, 2016 statement and provides a health insurance claim form dated September 6, 2016. As noted above, to meet her burden of proof appellant must submit probative rationalized medical evidence to establish that the employment incident caused a personal injury.[16] The Board finds that the evidence of record fails to establish that she sustained a diagnosed condition as a result of the accepted June 25, 2016 employment incident.

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 traumatic injury causally related to an accepted June 25, 2016 employment incident.

[15] *Supra* note 11.

[16] *Supra* note 7.

ORDER

IT IS HEREBY ORDERED THAT the September 7, 2016 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: March 13, 2017
Washington, DC

Christopher J. Godfrey, Chief Judge
Employees' Compensation Appeals Board

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

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