

FACTUAL HISTORY

On December 6, 2021 appellant, then a 61-year-old mail processing clerk, filed a traumatic injury claim (Form CA-1) alleging that on November 18, 2021 she sustained a swollen chest and experienced breast pain when a “[r]oll towel cover broke off [d]rying hands” while in the performance of duty. She did not stop work. On the reverse side of the form, appellant’s immediate supervisor contended that the claimed injury did not occur in the performance of duty.

In a December 6, 2021 letter, an occupational health specialist for the employing establishment advised that it was challenging appellant’s claim because she failed to establish the fact of injury on November 18, 2021. The specialist related that, while drying her hands, a roll towel dispenser cover broke off and struck appellant, causing a swollen chest and breast pain. He advised that all dispenser covers are made of plastic and weigh less than three pounds.

In a December 8, 2021 note, Dr. John R. Brill, a Board-certified family medicine specialist, indicated that appellant had been under his care since November 18, 2021 and could perform light-duty work beginning December 13, 2021 with no overhead lifting and no lifting more than 10 pounds.

In a December 14, 2021 development letter, OWCP notified appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence needed and afforded her 30 days to respond.

Appellant submitted a November 19, 2021 report from her visit to the hospital on that date. Dr. Zeeshan Yacoob, a Board-certified family medicine specialist, indicated that appellant presented on November 19, 2021 for a follow-up visit after having been hit in the chest with a towel rack.³ He noted that, upon physical examination, appellant exhibited tenderness to palpation over the right chest wall. Dr. Yacoob diagnosed muscular chest pain.

Appellant also submitted a December 6, 2021 computerized tomography scan of her chest, which contained an impression of no acute process within the chest. A December 21, 2022 mammogram contained an impression of no suspicious mammographic or sonographic findings within either breast.

By decision dated January 21, 2022, OWCP denied appellant’s traumatic injury claim, finding that she failed to establish the claimed event(s) of November 18, 2021 occurred because she did not provide a detailed statement of what was alleged to have happened on that date. It concluded that the requirements have not been met for establishing that she sustained an injury as defined by the FECA.

LEGAL PRECEDENT

An employee seeking benefits under FECA has the burden of proof to establish the essential elements of his or her claim, including that an injury was sustained in the performance of

³ A chart note indicated that the plastic case for a towel holder hit appellant on her chest at work on November 18, 2021 and that she visited the emergency room on that date.

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 if an employee has sustained a traumatic injury in the performance of duty, OWCP begins with an analysis of whether fact of injury has been established. Fact of injury consists of two components that must be considered in conjunction with one another. The first component is whether the employee actually experienced the employment incident that allegedly occurred at the time, place, and in the manner alleged.⁶ The second component is whether the employment incident caused a personal injury.⁷

Rationalized medical opinion evidence is required to establish causal relationship. The opinion of the physician must be based on a complete factual and medical background, 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 incident.⁸

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish a traumatic injury in the performance of duty on November 18, 2021, as alleged.

As noted above, an employee seeking benefits under FECA has the burden of proof to establish the essential elements of his or her claim, including that an injury was sustained in the performance of duty as alleged.⁹ Appellant did not meet her burden of proof in the present case to establish a November 18, 2021 employment incident because the only factual statement she provided to OWCP in support of her traumatic injury claim was “roll towel cover broke off ... drying hands.” The Board notes that this statement is vague in nature and appellant failed to provide, in a factual statement in her own words, a detailed account of the specific mechanism of the claimed November 18, 2021 employment incident. On December 14, 2021 OWCP afforded appellant an opportunity to clarify the factual aspect of her claim, but she did not provide any additional factual statements/information within the afforded period.

⁴ *J.M.*, Docket No. 17-0284 (issued February 7, 2018); *R.C.*, 59 ECAB 427 (2008); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

⁵ *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).

⁶ *B.P.*, Docket No. 16-1549 (issued January 18, 2017); *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁷ *M.H.*, Docket No. 18-1737 (issued March 13, 2019); *John J. Carlone*, 41 ECAB 354 (1989).

⁸ *S.S.*, Docket No. 18-1488 (issued March 11, 2019).

⁹ *Supra* note 4.

For these reasons, appellant has not met her burden of proof to establish that she sustained a traumatic injury in the performance of duty on November 18, 2021, as alleged.

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 issue is whether appellant met her burden of proof to establish a traumatic injury in the performance of duty on November 18, 2021 as alleged.

ORDER

IT IS HEREBY ORDERED THAT the January 21, 2022 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: December 6, 2022
Washington, DC

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

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

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