

FACTUAL HISTORY

On March 16, 2021 appellant, then a 60-year-old rural carrier, filed a traumatic injury claim (Form CA-1) alleging that on March 8, 2021 she sustained multiple injuries, including sprain of lumbar spine ligaments, left hip pain, and left shoulder pain, when her work vehicle was struck while in the performance of duty.³ She noted that a motorist collided with her vehicle, which caused a metal mail tray to become dislodged, striking her in the back of her shoulder. Appellant stopped work on the date of injury and returned to work on March 24, 2021.

In a form report dated March 22, 2021, Dr. Theron Thompson, a Board-certified family physician, noted a date of injury of March 8, 2021 and diagnosed sprain of ligaments of the lumbar spine. He listed a second diagnosis of “driver injured in collision with unsp mv in traf.” Dr. Thompson released appellant to return to work with restrictions of no lifting, pulling, or pushing greater than 10 pounds and limited bending and twisting.

In an April 1, 2021 development letter, OWCP informed appellant of the deficiencies of her claim. It advised her regarding the type of medical evidence necessary to establish her claim and provided 30 days for her to submit the requested evidence. No further evidence was received.

By decision dated May 4, 2021, OWCP denied appellant’s traumatic injury claim, finding that the medical evidence of record was insufficient to establish a diagnosis causally related to the accepted March 8, 2021 employment incident. It concluded, therefore, that the requirements had not been met to establish an injury as defined under FECA.

LEGAL PRECEDENT

An employee seeking benefits under FECA⁴ 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,⁵ 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.⁶ 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.⁷

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. First, the employee must submit

³ The record reflects that appellant has a prior claim for a March 26, 2014 traumatic injury accepted for neck and lumbar sprains, under OWCP File No. xxxxxx204. This claim is not presently before the Board.

⁴ *Supra* note 1.

⁵ *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).

⁶ *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).

⁷ *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).

sufficient evidence to establish that he or she actually experienced the employment incident at the time and place, and in the manner alleged. The second component is whether the employment incident caused a personal injury and can be established only by medical evidence.⁸

The medical evidence required to establish causal relationship between a claimed specific condition and an employment incident is rationalized medical opinion evidence.⁹ 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 factors identified by the employee.¹⁰

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish a medical condition causally related to the accepted March 8, 2021 employment incident.

In her March 16, 2021 Form CA-1, appellant indicated that she injured her back, left hip, and left shoulder on March 8, 2021 when a motorist collided with her vehicle and caused a metal mail tray to become dislodged striking her in the back of her shoulder. In his report dated March 22, 2021, approximately two weeks after the incident, Dr. Thompson diagnosed sprain of ligaments of lumbar spine and noted her history of a motor vehicle accident. However, he did not provide any rationalized medical opinion relating the diagnosed back conditions to the accepted employment incident¹¹ Therefore, the March 22, 2021 form report of Dr. Thompson is insufficient to establish appellant's claim.

OWCP, in its April 1, 2021 development letter, notified appellant that the evidence it had received was insufficient to establish her claim and afforded her 30 days to submit the necessary evidence. However, no further medical evidence was received prior to OWCP's May 4, 2021 decision. As noted above, an employee seeking benefits under FECA has the burden of proof to establish the essential elements of his or her claim.¹²

As the medical evidence of record is insufficient to establish a condition causally related to the accepted March 8, 2021 employment incident, the Board finds that appellant has not met her burden of proof.

⁸ *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).

⁹ *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).

¹⁰ *T.L.*, Docket No. 18-0778 (issued January 22, 2020); *Y.S.*, Docket No. 18-0366 (issued January 22, 2020); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

¹¹ *See supra* note 9

¹² *Supra* note 6.

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 medical condition causally related to the accepted March 8, 2021 employment incident.

ORDER

IT IS HEREBY ORDERED THAT the May 4, 2021 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: May 18, 2022
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