

ISSUE

The issue is whether appellant has met his burden of proof to establish a back condition causally related to the accepted August 4, 2022 employment incident.

FACTUAL HISTORY

On September 14, 2022 appellant, then a 58-year-old cemetery caretaker filed a traumatic injury claim alleging that on August 4, 2022 he lost his footing when reaching for tools while in the performance of duty. He noted that, thereafter, he developed pain in his left leg. Appellant stopped work on August 5, 2022 and returned to work on August 10, 2022.

In a development letter dated September 15, 2022, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence necessary to establish his claim and afforded him 30 days to respond.

In reports dated August 5 and September 1, 2022, Dr. Opkar Chawla, a Board-certified internist, noted that he had examined appellant and found that appellant was disabled through September 15, 2022. He diagnosed “health concerns.”

In an undated statement addressed to the employing establishment, appellant related that he had an accident on August 4, 2022 when he lost his footing while reaching for tools that he had placed on the ground. He explained that thereafter he experienced some pain in his left leg, but did not report the incident that day because he believed that the pain would subside. Appellant related that he awakened with a sharp pain the following day and attempted to file a claim, but was unsuccessful. On August 5, 2022 he presented to his physician, who diagnosed a muscle strain and held him off work until August 9, 2022.

On September 29, 2022 Dr. Chawla completed an attending physician’s report, Part B of an authorization for examination and/or treatment (Form CA-16), and diagnosed lumbar radiculopathy. In the attending physician’s report, Part B of the Form CA-16, he indicated by checking a box marked “Yes” that the condition was caused or aggravated by the activity. Dr. Chawla found that appellant was totally disabled commencing August 4, 2022. He also completed an employing establishment work capacity evaluation of even date finding that appellant was totally disabled and diagnosed low back pain. On October 13, 2022 Dr. Chawla completed a work capacity evaluation indicating that appellant could return to light duty.

By decision dated October 19, 2022, OWCP denied appellant’s claim, finding that the medical evidence of record was insufficient to establish causal relationship between his diagnosed condition and the accepted August 4, 2022 employment incident.

LEGAL PRECEDENT

An employee seeking benefits under FECA³ 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

³ *Id.*

States within the meaning of FECA, that the claim was timely filed within the applicable time limitation period of FECA,⁴ 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.⁵ 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.⁶

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it must first be determined whether a 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 employment incident at the time, place, and in the manner alleged. The second component is whether the employment incident caused a personal injury.⁷

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.⁸ A physician's opinion on whether there is a causal relationship between the diagnosed condition and the employment injury must be based on a complete factual and medical background.⁹ Additionally, the physician's opinion must be expressed in terms of a reasonable degree of medical certainty and must be supported by medical rationale, explaining the nature of the relationship between the diagnosed condition and appellant's employment injury.¹⁰ Neither the mere fact that a disease or condition manifests itself during a period of employment, nor the belief that the disease or condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.¹¹

⁴ *A.T.*, Docket No. 22-1103 (issued December 2, 2022); *K.H.*, Docket No. 22-0370 (issued July 21, 2022); *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).

⁵ *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).

⁶ *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).

⁷ *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).

⁸ *A.F.*, Docket No. 22-1221 (issued December 8, 2022); *R.P.*, Docket No. 21-1189 (issued July 29, 2022); *E.M.*, Docket No. 18-1599 (issued March 7, 2019); *Robert G. Morris*, 48 ECAB 238 (1996).

⁹ *A.F., R.P., id.*; *F.A.*, Docket No. 20-1652 (issued May 21, 2021); *M.V.*, Docket No. 18-0884 (issued December 28, 2018); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

¹⁰ *Id.*

¹¹ *T.M.*, Docket No. 22-0220 (issued July 29, 2022); *S.S.*, Docket No. 18-1488 (issued March 11, 2019); *see also J.L.*, Docket No. 18-1804 (issued April 12, 2019).

ANALYSIS

The Board finds that appellant has not met his burden of proof to establish a back condition causally related to the accepted August 4, 2022 employment incident.

Appellant submitted medical reports from Dr. Chawla dated August 5 through October 13, 2022 diagnosing lumbar radiculopathy and low back pain. However, Dr. Chawla did not provide an opinion on causal relationship between the diagnosed conditions and the accepted August 4, 2022 employment incident. The Board has held that reports that do not provide an opinion on causal relationship are of no probative value.¹² Therefore, this evidence is insufficient to establish the claim.

On September 29, 2022 Dr. Chawla completed an attending physician's report, Part B of a Form CA-16, diagnosing lumbar radiculopathy and checked the box marked "Yes" indicating that the condition was caused or aggravated by an employment activity. The Board has held that a physician's opinion on causal relationship that consists only of checking a box marked "Yes" in response to a form question, without rationale explaining causal relationship, has limited probative value and is insufficient to establish a claim.¹³ Therefore, this report is also insufficient to establish the claim.

As the medical evidence of record is insufficient to establish causal relationship between the diagnosed medical conditions and the accepted August 4, 2022 employment incident, 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 not met his burden of proof to establish a back condition causally related to the accepted August 4, 2022 employment incident.

¹² *D.R.*, Docket No. 22-0921 (issued December 29, 2022); *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

¹³ *J.K.*, Docket No. 20-0527 (issued May 24, 2022); *J.K.*, Docket No. 20-0590 (issued July 17, 2020); *J.A.*, Docket No. 17-1936 (issued August 13, 2018); *Donald W. Long*, 41 ECAB 142 (1989); *Lillian M. Jones*, 34 ECAB 379, 381 (1982).

ORDER

IT IS HEREBY ORDERED THAT the October 19, 2022 decision of the Office of Workers' Compensation Programs is affirmed.¹⁴

Issued: August 1, 2023
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

¹⁴ The record contains a Form CA-16 completed by the employing establishment and Dr. Chawla. A properly completed Form CA-16 authorization may constitute a contract for payment of medical expenses to a medical facility or physician, when properly executed. The form creates a contractual obligation, which does not involve the employee directly, to pay for the cost of the examination or treatment regardless of the action taken on the claim. The period for which treatment is authorized by a Form CA-16 is limited to 60 days from the date of issuance, unless terminated earlier by OWCP. 20 C.F.R. § 10.300(c); *T.G.*, Docket No. 21-0977 (issued November 10, 2022); *P.R.*, Docket No. 18-0737 (issued November 2, 2018); *N.M.*, Docket No. 17-1655 (issued January 24, 2018); *Tracy P. Spillane*, 54 ECAB 608 (2003).