



## **FACTUAL HISTORY**

On March 8, 2022 appellant, then a 59-year-old motor vehicle operator, filed a traumatic injury claim (Form CA-1) alleging that on May 10, 2021 he sustained a right elbow injury as a result of splitting wood while in the performance of duty.

In a development letter dated March 11, 2022, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence needed and provided a questionnaire for his completion. OWCP afforded appellant 30 days to respond.

In a report dated March 3, 2022, Dr. Karl Scheidt, a Board-certified orthopedic surgeon, examined appellant for complaints of right elbow pain. He noted that appellant injured his right elbow while lifting heavy rocks at work. On examination of the right elbow, Dr. Scheidt noted tenderness over the medial epicondyle and pain with resisted pronation of the forearm and wrist flexion. A magnetic resonance imaging (MRI) scan of the right elbow indicated signal changes in the common flexor origin of the medial epicondyle involving the insertion of the pronator teres, as well as signal changes within the common extensor insertion on the lateral epicondyle. Dr. Scheidt diagnosed right elbow medial epicondylitis and recommended surgery. An attached addendum note, dated March 31, 2022, indicated that appellant originally injured his right elbow in May 2021 while lifting heavy rocks, but that, approximately two months prior to February 9, 2022, he cut wood with a chainsaw, stacked the wood, and began developing pain in the medial aspect of his right elbow. Dr. Scheidt opined that the lifting of heavy rocks was a plausible inciting incident to the development of medial epicondylitis.

On April 5 2022 appellant completed OWCP's questionnaire and further explained that on May 10, 2021 his right elbow felt sore after he had split wood and picked up rocks.

By decision dated April 19, 2022, OWCP denied appellant's claim, finding that the medical evidence of record was insufficient to establish causal relationship between his diagnosed elbow condition and the accepted employment incident of May 10, 2021. It concluded, therefore, that the requirements had not been met to establish that he sustained an injury and/or medical condition causally related to the accepted employment incident.

On May 16, 2022 appellant requested an oral hearing before a representative of OWCP's Branch of Hearings and Review.

A hearing was held on August 10, 2022. OWCP subsequently received additional medical evidence. In a report dated February 9, 2022, Dr. Scheidt evaluated appellant for right elbow pain. Appellant told Dr. Scheidt that he originally injured his elbow in May 2021 when lifting heavy rocks; then, about two months prior to the date of service, he cut wood with a chainsaw, stacked the wood, and began to develop pain in the medial aspect of his elbow. On examination Dr. Scheidt noted tenderness over the medial epicondyle and pain with resisted wrist flexion and forearm pronation. He diagnosed recurrent right elbow medial epicondylitis.

On May 24, 2022 Dr. Scheidt followed up with appellant for postoperative evaluation of right elbow medial epicondylitis surgery. He stated that appellant was doing well at six weeks post right elbow medial epicondylar release and repair. Dr. Scheidt recommended light duty.

By decision dated October 13, 2022, the hearing representative affirmed OWCP's April 19, 2022 decision.

On December 27, 2022 appellant requested reconsideration and submitted additional evidence. Hospital notes dated April 11, 2022 documented his right elbow surgery, which included right medial epicondylar release and debridement with reattachment of the flexor pronator mass, performed by Dr. Scheidt.

In progress notes dated November 29, 2022, Dr. Scheidt noted that appellant was doing well status post right medial epicondylar release and repair. On examination, he noted normal postsurgical findings for the right elbow. Dr. Scheidt recommended that appellant could return to work without restrictions. He opined that appellant's right elbow condition was related to a work-related injury on May 10, 2021 as an aggravation of his previous work-related injury of May 8, 2020. Dr. Scheidt further opined that the reported work-related injuries of May 8, 2020 and May 10, 2021 were the causative events that resulted in the tearing of the common flexor tendon origin off the medial epicondyle of the right elbow.

By decision dated January 12, 2023, OWCP denied modification of its October 13, 2022 decision.

### **LEGAL PRECEDENT**

An employee seeking benefits under FECA<sup>2</sup> 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,<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup>

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. The first component is that the employee must submit sufficient evidence to establish that he or she actually experienced the

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<sup>2</sup> *Id.*

<sup>3</sup> *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).

<sup>4</sup> *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).

<sup>5</sup> *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).

employment incident at the time, place, and in the manner alleged. The second component is whether the employment incident caused a personal injury.<sup>6</sup>

The medical evidence required to establish a causal relationship between a claimed specific condition and an employment incident is rationalized medical opinion evidence.<sup>7</sup> 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 incident identified by the employee.<sup>8</sup>

### ANALYSIS

The Board finds that appellant has not met his burden of proof to establish a right elbow condition causally related to the accepted May 10, 2021 employment incident.

In support of his claim, appellant submitted progress notes dated November 29, 2022 from Dr. Scheidt. Dr. Scheidt noted that appellant was doing well status post right medial epicondylar release and repair. On examination, he stated normal postsurgical findings for the right elbow. Dr. Scheidt recommended that appellant return to work without restrictions. He opined that appellant's right elbow condition was related to a work-related injury on May 10, 2021 as an aggravation of his previous work-related injury of May 8, 2020. Dr. Scheidt further opined that the reported work-related injuries of May 10, 2021 and May 8, 2020 were the causative events that resulted in the tearing of the common flexor tendon origin off the medial epicondyle of the right elbow. The Board has held that a report is of limited probative value regarding causal relationship if it does not contain medical rationale explaining how a given medical condition/disability was related to the accepted employment incident.<sup>9</sup> While Dr. Scheidt concluded that appellant's diagnosed right elbow condition was causally related to the accepted employment incident, he did not explain with rationale how the accepted employment incident physiologically caused the injury. Rather, he referred to a prior injury that had not been accepted as work-related as the initial incident and did not explain with rationale how the accepted May 10, 2021 incident aggravated the prior right elbow condition. Similarly, the March 3 and 31, 2022 reports from Dr. Scheidt do not contain rationale of how the accepted employment incident physiologically caused appellant's right elbow condition. As such, these reports are of limited probative value and insufficient to establish appellant's claim.

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<sup>6</sup> *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).

<sup>7</sup> *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).

<sup>8</sup> *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).

<sup>9</sup> *See Y.D.*, Docket No. 16-1896 (issued February 10, 2017) (a report is of limited probative value regarding causal relationship if it does not contain medical rationale describing the relation between work factors and a diagnosed condition/disability).

Appellant also submitted February 9 and May 24, 2022 reports from Dr. Scheidt, as well as hospital notes dated April 11, 2022. While these reports reviewed appellant's history of injury and contained medical diagnoses, they did not provide any medical opinion regarding the cause of appellant's diagnosed conditions. The Board has held that medical evidence that does not offer an opinion regarding the cause of an employee's condition is of no probative value on the issue of causal relationship.<sup>10</sup> This evidence is therefore insufficient to establish the claim.

As the medical evidence of record is insufficient to establish a right elbow condition causally related to the accepted employment incident, the Board finds that appellant has not met his 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 right elbow condition causally related to the accepted May 10, 2021 employment incident.

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<sup>10</sup> *D.C.*, Docket No. 19-1093 (issued June 25, 2020); *see L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

**ORDER**

**IT IS HEREBY ORDERED THAT** the January 12, 2023 and October 13, 2022 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: August 16, 2023  
Washington, DC

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

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

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