

**United States Department of Labor
Employees' Compensation Appeals Board**

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J.C., Appellant)	
)	
and)	Docket No. 24-0346
)	Issued: May 15, 2024
U.S. POSTAL SERVICE, HOLIDAY CITY POST)	
OFFICE, Memphis, TN, Employer)	
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Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:
PATRICIA H. FITZGERALD, Deputy Chief Judge
VALERIE D. EVANS-HARRELL, Alternate Judge
JAMES D. MCGINLEY, Alternate Judge

JURISDICTION

On February 19, 2024 appellant filed a timely appeal from a January 19, 2024 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act¹ (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 has met her burden of proof to establish that her post-traumatic stress disorder (PTSD) is causally related to the accepted October 20, 2023 employment incident.

FACTUAL HISTORY

On October 30, 2023 appellant, then a 35-year-old carrier technician, filed a traumatic injury claim (Form CA-1) alleging that on October 20, 2023 she sustained emotional stress while

¹ 5 U.S.C. § 8101 *et seq.*

in the performance of duty when she was harassed by a customer who kicked her truck, pointed his gun at her, and followed her because he thought she took the contents of his package. She stopped work that same day and returned on October 21, 2023.

On November 9, 2023 appellant provided a typed statement reiterating the details of the incident. She further related that her supervisor told her that the customer had come to the employing establishment and was acting irately. Appellant's supervisor asked her if she needed the postal police to be called, but the customer had left by that time.

In a development letter dated November 14, 2023, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence necessary to establish her claim and provided a questionnaire for her completion. OWCP afforded appellant 60 days to submit the necessary evidence.

In a separate development letter also dated November 14, 2023, OWCP requested that the employing establishment provide additional information, including comments from a knowledgeable supervisor and witness statements from employees with additional information. It afforded the employing establishment 30 days to submit the requested evidence.

On November 17, 2023 D.H., an occupational health specialist, provided a response from D.W., a manager, who noted that he believed the incident occurred on October 25, 2023. He recounted that an angry customer presented at the retail window, upset because a package was missing contents. The customer stormed off saying he would "be back." D.H. also noted that he called appellant, and she reiterated her interaction with the customer.

In a December 14, 2023 duty status report (Form CA-17), Dr. Tejinder Saini, a Board-certified psychiatrist, noted that appellant was suffering from stress as a result of trauma caused at work. He diagnosed PTSD and concluded that appellant was unable to return to work at that time.

OWCP also received a copy of an appointment slip and a December 13, 2023 note from Lindsey Foxx, a licensed professional counselor, who noted that appellant was being seen once a week.

In a follow-up letter dated December 20, 2023, OWCP advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish her claim. It noted that she had 60 days from the date of its November 14, 2023 letter to submit the supporting evidence. OWCP further advised that if the evidence was not received during this time, it would issue a decision based on the evidence contained in the record.

OWCP received a December 22, 2023 note from Dr. Saini indicating that appellant would be unable to return to work until January 23, 2024.

Appellant also submitted additional witness statements.

By decision dated January 19, 2024, OWCP denied appellant's claim, finding that the medical evidence of record was insufficient to establish that appellant's diagnosed PTSD was causally related to the accepted employment incident.

LEGAL PRECEDENT

An employee seeking benefits under FECA² 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,³ 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.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 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. First, the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time and place, and in the manner alleged. Second, the employee must submit sufficient evidence to establish that the employment incident caused an injury.⁶

The medical evidence required to establish causal relationship is rationalized medical opinion evidence.⁷ 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 incidents identified by the employee.⁸

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish that her PTSD was causally related to the accepted October 20, 2023 employment incident.

In a November 29, 2023 Form CA-17, Dr. Saini noted that appellant was suffering from stress as a result of trauma caused at work and he diagnosed PTSD. Although Dr. Saini noted that

² *Id.*

³ *See L.H.*, Docket No. 23-0326 (issued July 3, 2023); *V.L.*, Docket No. 20-0884 (issued February 12, 2021); *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).

⁴ *C.H.*, Docket No. 20-1212 (issued February 12, 2021); *L.C.*, Docket No. 19-1301 (issued January 29, 2020); *R.C.*, 59 ECAB 427 (2008); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

⁵ *V.L.*, *supra* note 3; *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).

⁶ *T.J.*, Docket No. 19-0461 (issued August 11, 2020); *K.L.*, Docket No. 18-1029 (issued January 9, 2019); *John J. Carlone*, 41 ECAB 354 (1989).

⁷ *C.H.*, *supra* note 4; *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).

⁸ *V.L.*, *supra* note 3; *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).

appellant's PTSD developed as a result of trauma at work, he did not recount a history of the accepted incident. Such generalized statements do not establish causal relationship.⁹ Dr. Saini's report does not contain medical rationale explaining how the accepted employment incident caused appellant's PTSD. Because Dr. Saini did not provide a reasoned opinion explaining how the October 20, 2023 employment incident caused or contributed to a medical condition, his report is insufficient to establish appellant's claim.¹⁰

OWCP also received a December 22, 2023 note from Dr. Saini indicating that appellant was unable to return to work until January 23, 2024. The note did not contain an opinion on causal relationship. As the Board has held, medical evidence which does not offer an opinion regarding the cause of an employee's condition is of no probative value on the issue of causal relationship.¹¹ Thus, this report is insufficient to establish appellant's claim.

OWCP received a December 13, 2023 note from Ms. Foxx, a licensed professional counselor, which indicated that appellant was being seen once a week. However, there is no evidence that Ms. Foxx is a licensed clinical psychologist, which would qualify her as a "physician" as defined by FECA.¹² For this reason, this evidence is of no probative value.

As there is no rationalized medical evidence of record establishing that appellant's PTSD was causally related to the accepted October 20, 2023 employment incident, the Board finds that appellant has not met her burden of proof.¹³

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.

⁹ See *C.M.*, Docket No. 18-1166 (issued July 9, 2019); *L.M.*, Docket No. 16-0188 (issued March 24, 2016).

¹⁰ *K.W.*, Docket No. 10-0098 (issued September 10, 2010).

¹¹ See *A.L.*, Docket No. 20-0658 (issued October 5, 2022); *D.C.*, Docket No. 19-1093 (issued June 25, 2020); *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

¹² Section 8101(2) of FECA provides that physician "includes surgeons, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, and osteopathic practitioners within the scope of their practice as defined by State law." 5 U.S.C. § 8101(2); 20 C.F.R. § 10.5(t). See Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.805.3a(1) (January 2013); *R.L.*, Docket No. 22-0824 (issued September 19, 2022) (a licensed professional counselor does not satisfy the definition of "physician" as defined by FECA); *L.H.*, Docket No. 18-1217 (issued May 3, 2019) (licensed social workers and mental health counselors are not considered physicians as defined by FECA); *David P. Sawchuk*, 57 ECAB 316, 320 n.11 (2006) (lay individuals such as physician assistants, nurses, and physical therapists are not competent to render a medical opinion under FECA).

¹³ See *S.M.*, Docket No. 21-0197 (issued June 11, 2021); *O.P.*, Docket No. 19-0445 (issued July 24, 2019); *L.H.*, *id.*; *S.C.*, Docket No. 16-0293 (issued May 10, 2016); *A.C.*, Docket No. 08-1453 (issued November 18, 2008) (as there was no medical evidence diagnosing an emotional condition, appellant failed to establish a *prima facie* claim).

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish that her PTSD was causally related to the accepted October 20, 2023 employment incident.

ORDER

IT IS HEREBY ORDERED THAT the January 19, 2024 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: May 15, 2024
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