

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

K.M., Appellant)	
)	
and)	Docket No. 25-0031
)	Issued: November 5, 2024
U.S. POSTAL SERVICE, SAYVILLE POST)	
OFFICE, Sayville, NY, Employer)	
)	

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:
ALEC J. KOROMILAS, Chief Judge
PATRICIA H. FITZGERALD, Deputy Chief Judge
JAMES D. MCGINLEY, Alternate Judge

JURISDICTION

On October 15, 2024 appellant filed a timely appeal from a September 10, 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 a diagnosed medical condition in connection with the accepted May 4, 2024 employment incident.

FACTUAL HISTORY

On May 5, 2024 appellant, then a 30-year-old city carrier, filed a traumatic injury claim (Form CA-1) alleging that on May 4, 2024 she tripped over a curb and fell when walking up a

¹ 5 U.S.C. § 8101 *et seq.*

driveway while in the performance of duty. She noted that she landed on her stomach and knee,² and that she suffered scratches on her arm and knee. Appellant stopped work that same day. Her supervisor acknowledged on the reverse side of the claim form that appellant sustained a small abrasion to her left knee from the fall.

On May 4, 2024 the employing establishment issued an authorization for examination and/or treatment (Form CA-16) with regard to her fall that day. In the attending physician's report, Part B of the Form CA-16, Dr. Heather L. Tier, an obstetrics and gynecology specialist, noted that appellant was seen that day and was restricted to light work, no heavy lifting.

In a May 4, 2024 note, Dr. Tier held appellant off work until Tuesday, May 7, 2024.

In a May 4, 2024 duty status report (Form CA-17), Dr. Tier noted that appellant had a trip and fall at work that day while pregnant. She diagnosed extremity abrasion and uterine cramping and related that appellant's injury occurred as a result of her accepted employment incident on May 4, 2024. Dr. Tier also indicated that appellant could return to work performing work activities seven hours per day.

In a May 9, 2024 report, Dr. Kevin Bonilla, an obstetrician and gynecologist, noted that appellant was under his care for her pregnancy, with an estimated delivery date of September 27, 2024. He indicated that appellant was seen on May 8, 2024, following a fall at work on May 4, 2024. Dr. Bonilla related that she was advised to rest as she had been experiencing muscular discomfort and back pain. He completed Forms CA-17 on May 9 and 20, 2024, diagnosed obstetric trauma, and advised that appellant was to remain off work.

In a May 23, 2024 report, Dr. Bonilla noted that appellant was seen on May 17, 2024, had fallen while working as a mail carrier on May 4, 2024, and was advised to rest as she continued to experience muscular discomfort and back pain.

In a letter dated May 29, 2024, the employing establishment controverted the claim. It noted that it did not question the fall; however, it was unclear why appellant was being treated for back pain when she fell on her stomach and knee.

In a June 14, 2024 Form CA-17, Dr. Bonilla diagnosed obstetric trauma. He opined that appellant could work for 4.5 hours per day, casing mail and performing portions of her mail route until her delivery.

In a June 28, 2024 development letter, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence needed and afforded her 60 days to respond.

In a July 15, 2024 report, Dr. Bonilla noted that appellant was under his medical care and supervision for her pregnancy. He recounted the details of appellant's May 4, 2024 employment incident and opined that "[d]ue to the obstetrical trauma, she was taken out of work on May 4,

² The case record indicates that appellant was pregnant with twins at the time of her May 4, 2024 fall.

2024, and returned on June 24, 2024 for light duty. Appellant should continue working light duty and not engage in any excessive lifting until delivery.”

In a follow-up letter dated August 12, 2024, 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 its June 28, 2024 letter to submit the requested supporting evidence. OWCP further advised that if the necessary evidence was not received during this time, it would issue a decision based on the evidence contained in the record.

By decision dated September 10, 2024, OWCP denied appellant’s traumatic injury claim, finding that the medical evidence was insufficient to establish a medical condition diagnosed in connection with the accepted May 4, 2024 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 States within the meaning of FECA, that the claim was timely filed within the applicable time limitation 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 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.⁷

The medical evidence required to establish a causal relationship is rationalized medical opinion evidence.⁸ 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

³ *Id.*

⁴ *See Y.S.*, Docket No. 22-1142 (issued May 11, 2023); *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.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).

⁸ *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).

by medical rationale explaining the nature of the relationship between the diagnosed condition and specific employment incident identified by the employee.⁹

ANALYSIS

The Board finds that appellant has met her burden of proof to establish an extremity abrasion connected to the accepted May 4, 2024 employment incident.

In a May 4, 2024 Form CA-17 duty status report, Dr. Tier diagnosed extremity abrasion and indicated that the condition was due to appellant's slip/trip/fall at work that day. OWCP's procedures provide that, if a condition reported is a minor one, such as a burn, laceration, insect sting, or animal bite, which can be identified on visual inspection by a lay person, a case may be accepted without a medical report.¹⁰ Dr. Tier's diagnosis of extremity abrasion was consistent with appellant's physical examination and the mechanism of injury. As the evidence of record establishes that the accepted May 4, 2024 employment incident resulted in a visible injury, the Board finds that appellant has met her burden of proof to establish a extremity laceration causally related to the accepted May 4, 2024 employment incident.¹¹ The case shall, therefore, be remanded to OWCP for payment of medical expenses for appellant's extremity abrasion and any attendant disability.¹²

The Board further finds that appellant has established the diagnoses of obstetric trauma.

Dr. Bonilla completed Form CA-17 duty status reports on May 9, 20, and June 14, 2024, in which he diagnosed obstetric trauma. In a July 15, 2024 report, he opined that "[d]ue to the obstetrical trauma, she was taken out of work on May 4, 2024, and returned on June 24, 2024, for light duty." Appellant has therefore established the diagnosis of obstetric trauma in connection with the accepted May 4, 2024 employment incident.¹³

As the medical evidence of record establishes the diagnosed medical condition of obstetric trauma in connection with the May 4, 2024 employment incident, the case must be remanded for consideration of the medical evidence with regard to the issue of causal relationship between this

⁹ *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).

¹⁰ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.805.3c (May 2023). *See also C.S.*, Docket No. 21-0560 (issued July 13, 2023).

¹¹ *See S.B.*, Docket No. 22-0221 (issued March 14, 2024); *K.C.*, Docket No. 22-0788 (issued August 23, 2023) (the Board accepted a visible injury of left knee contusion as causally related to the accepted employment incident); *N.B.*, Docket No. 20-0794 (issued July 29, 2022) (the Board accepted a visible injury of right shoulder contusion as causally related to the accepted employment incident); *B.W.*, Docket No. 22-0134 (issued May 24, 2022) (the Board accepted a visible injury of lower back/buttocks contusion as causally related to the accepted employment incident).

¹² *See A.J.*, Docket No. 20-0484 (issued September 2, 2020).

¹³ *See V.S.* Docket No. 23-0005 (issued February 12, 2024).

additional condition and the accepted employment injury.¹⁴ Following any further development as deemed necessary, OWCP shall issue a *de novo* decision.

CONCLUSION

The Board finds that appellant has met her burden of proof to establish an abrasion causally related to the accepted May 4, 2024 employment incident. The Board further finds that she has established the diagnosed medical condition of obstetric trauma in connection with the accepted May 4, 2024 employment injury.

ORDER

IT IS HEREBY ORDERED THAT the September 10, 2024 decision of the Office of Workers' Compensation Programs is reversed, and the case is remanded for further proceedings consistent with this decision of the Board.¹⁵

Issued: November 5, 2024
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

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

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

¹⁴ See *S.R.*, Docket No. 22-0453 (issued March 2, 2023); *S.A.*, Docket No. 20-1498 (issued March 11, 2021).

¹⁵ The Board notes that where the evidence of record establishes that the employing establishment issued a completed and properly executed Form CA-16 authorization, such form may constitute a contract for payment of medical expenses to a medical facility or physician. 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. See 20 C.F.R. § 10.300(c); *J.J.*, Docket No. 24-0724 (issued July 20, 2024); *J.G.*, Docket No. 17-1062 (issued February 13, 2018); *Tracy P. Spillane*, 54 ECAB 608 (2003).