

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

V.S., Appellant)	
)	
and)	Docket No. 24-0778
)	Issued: September 16, 2024
U.S. POSTAL SERVICE, MEMPHIS)	
PROCESSING & DISTRIBUTION CENTER,)	
Memphis, TN, 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
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On July 21, 2024 appellant filed a timely appeal from a June 18, 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 post-traumatic headache and obstetric trauma causally related to the accepted April 1, 2022 employment incident.

¹ 5 U.S.C. § 8101 *et seq.*

FACTUAL HISTORY

This case has previously been before the Board.² The facts and circumstances of the case as set forth in the Board's prior decision are incorporated herein by reference. The relevant facts are as follows.

On April 5, 2022 appellant, then a 36-year-old mail handler assistant, filed a traumatic injury claim (Form CA-1) alleging that on April 1, 2022 she was struck in the head by a wooden pole when she turned to go to a desk causing her to lose her balance and fall on the floor bruising her stomach while in the performance of duty.³ She stopped work on April 2, 2022, and returned on April 5, 2022.

In a report dated April 2, 2022, Dr. Amy K. Nelson, a Board-certified obstetrician and gynecologist, noted that appellant was presenting for a fall at work, was experiencing tenderness on the front part of the torso, and was monitored for an hour with a fetal strip.

In a duty status report (Form CA-17) dated May 5, 2022, Dr. Nelson noted appellant's history of injury of April 1, 2022, and related a diagnosis of post-traumatic headaches and abdominal pain. Appellant was advised not to work.

In a June 17, 2022 development letter, 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 afforded her 30 days to provide the necessary evidence.

On June 28, 2022 OWCP received an undated note by Dr. Sherri Li, a Board-certified obstetrician and gynecologist. It noted the dates of appellant's examination and treatment; findings of back pain, headaches, cramps, and swelling; a diagnosis of obstetric trauma; and a recommendation of bed rest due to a fall at work. It also received obstetrics triage orders dated April 2, 2022.

On July 15, 2022 OWCP received a hospital record dated April 2, 2022 which noted appellant's attending physician, Dr. Nelson but did not document a diagnosis. Under follow-up information, OWCP repeated the note from Dr. Nelson's April 2, 2022 patient care summary that appellant was presenting for a fall at work, was experiencing tenderness on the front part of the torso, and was monitored for an hour with a fetal strip.

By decision dated July 26, 2022, OWCP accepted that the April 1, 2022 employment incident occurred as alleged, but denied appellant's traumatic injury claim, finding that the medical evidence of record did not contain a diagnosis in connection with the accepted employment incident. It concluded that she, therefore, had not met the requirements to establish an injury as defined by FECA.

On September 3, 2022 OWCP received an August 31, 2022 report, wherein Dr. Nelson noted that appellant had a prenatal examination on March 28, 2022, prior to her work injury, which

² Docket No. 23-0005 (issued February 12, 2024).

³ The record reflects that appellant was pregnant at the time of the incident.

was normal. Dr. Nelson further related that appellant was injured at work on April 1, 2022, when a pole struck her in the head and caused her to fall. She indicated that due to the injury to the head and the fall, appellant had migraine headaches, severe soreness in her body, and contractions during the second trimester of pregnancy. Dr. Nelson also related that appellant was held off work.

On October 4, 2022 appellant filed a timely appeal from OWCP's July 26, 2022 decision.

By decision dated February 12, 2024, the Board found that appellant established diagnosed medical conditions of post-traumatic headache and obstetric trauma in connection with the accepted April 1, 2022 employment incident. The Board, therefore, remanded the case to OWCP for consideration of the medical evidence with regard to the issue of causal relationship, to be followed by a *de novo* decision.

In an April 5, 2024 development letter, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of medical evidence needed and afforded her 60 days to respond.

In a follow-up letter dated May 16, 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 the April 5, 2024 letter to submit the necessary 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. No additional evidence was received.

By *de novo* decision dated June 18, 2024, OWCP denied appellant's claim, finding that the medical evidence of record was insufficient to establish causal relationship between appellant's diagnosed medical conditions and the accepted employment incident.

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, 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. There are two components involved in establishing fact of injury. The first component is whether the employee actually experienced the employment incident at the time and place, and in the manner

⁴ *Supra* note 1.

⁵ *S.W.*, Docket No. 24-0302 (issued July 26, 2024); *J.M.*, Docket No. 17-0284 (issued February 7, 2018); *R.C.*, 59 ECAB 427 (2008); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

⁶ *B.H.*, Docket No. 20-0777 (issued October 21, 2020); *K.M.*, Docket No. 15-1660 (issued September 16, 2016); *L.M.*, Docket No. 13-1402 (issued February 7, 2014); *Delores C. Ellyett*, 41 ECAB 992 (1990).

alleged. The second component is whether the employment incident caused an injury and can be established only by medical evidence.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 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 the accepted employment incident.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 the accepted employment incident is sufficient to establish causal relationship.¹¹

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish that the conditions of post-traumatic headache and obstetric trauma were causally related to the accepted April 1, 2022 employment incident.

OWCP received an April 2, 2022 report and an April 2, 2022 hospital record from appellant's hospital visit the day after the April 1, 2022 work incident. In the report, Dr. Nelson noted that appellant was presenting after a fall at work and was experiencing tenderness on the front part of the torso. The hospital record noted that the attending physician was Dr. Nelson but did not document a diagnosis. Under follow-up information, it repeated that appellant was presenting for a fall at work and was experiencing tenderness on the front part of the torso. However, this evidence does not include an opinion on causal relationship. The Board has held that an opinion which does not address the cause of an employee's condition is of no probative value on the issue of causal relationship.¹² Therefore, this evidence is insufficient to establish appellant's claim.

In a May 5, 2022 Form CA-17, Dr. Nelson noted a date of injury of April 1, 2022, and diagnosed post-traumatic headaches and abdominal pain. OWCP also received an August 31,

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 *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 *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).

¹² *T.D.*, Docket No. 19-1779 (issued March 9, 2021); *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

2022 report, wherein Dr. Nelson related that appellant was injured at work on April 1, 2022, when a pole struck her in the head and caused her to fall. The report indicated that appellant had migraine headaches, severe soreness in her body, and contractions during the second trimester of her pregnancy due to the April 1, 2022 employment incident. 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 was physiologically related to accepted employment incident.¹³ As such, this evidence is insufficient to establish the claim.

The Board notes that OWCP also received an undated note, wherein Dr. Li indicated that appellant had back pain, headaches, cramps, and swelling. Dr. Li provided a diagnosis of obstetric trauma due to a fall at work. However, she failed to provide medical rationale to explain how or why the diagnosed obstetric trauma was caused by the fall at work. As such, is also insufficient to establish appellant's claim.¹⁴

As the medical evidence of record is insufficient to establish causal relationship between appellant's post-traumatic headache and obstetric trauma and the accepted April 1, 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 her burden of proof to establish a post-traumatic headache and obstetric trauma causally related to the accepted April 1, 2022 employment incident.

¹³ See *K.K.*, Docket No. 22-0270 (issued February 14, 2023); *I.D.*, Docket No. 22-0848 (issued September 2, 2022); *V.T.*, Docket No. 18-0881 (issued November 19, 2018).

¹⁴ *Id.*

ORDER

IT IS HEREBY ORDERED THAT the June 18, 2024 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: September 16, 2024
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