

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

_____)	
T.D., Appellant)	
)	
and)	Docket No. 23-0051
)	Issued: May 22, 2023
U.S. POSTAL SERVICE, MORRIS BROWN)	
POST OFFICE, Duluth, GA, 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
JANICE B. ASKIN, Judge
JAMES D. MCGINLEY, Alternate Judge

JURISDICTION

On October 18, 2022 appellant filed a timely appeal from a September 15, 2022 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 his burden of proof to establish a right-hand condition causally related to the accepted March 23, 2022 employment incident.

FACTUAL HISTORY

On March 23, 2022 appellant, then a 57-year-old postal delivery specialist, filed a traumatic injury claim (Form CA-1) alleging that he felt a sharp pain in his right hand when setting up parcels and pushing an 80-pound hamper into a vehicle while in the performance of duty. On

¹ 5 U.S.C. § 8101 *et seq.*

the reverse side of the claim form, appellant's supervisor acknowledged that appellant was injured in the performance of duty. The form indicated that appellant stopped work on March 23, 2022 and returned on March 24, 2022.

Appellant filed a claim for compensation (Form CA-7) on July 27, 2022, claiming leave without pay from June 19 to July 15, 2022. On the reverse side of the claim form, leave without pay was noted in Section 12 by the employing establishment from June 19 to July 15, 2022.

By development letter dated August 3, 2022, OWCP noted that when the claim was initially received it appeared to be a minor injury that resulted in minimal or no lost time from work. However, the claim had been reopened because a claim for wage loss was received. OWCP indicated that the evidence provided was insufficient to establish that appellant actually experienced the employment incident alleged to have caused the injury. It also noted that there was no diagnosis of any condition, nor a physician's opinion as to how the alleged injury resulted in a medical condition. A questionnaire was provided to appellant to substantiate the factual elements of his claim. Further, appellant was requested to provide a narrative report from a physician containing a detailed description of findings and a diagnosis, as well as a medical explanation from a physician as to how the work incident caused or aggravated a medical condition. OWCP afforded him 30 days to respond.

An x-ray report of appellant's right hand dated April 28, 2022, signed by Dr. Edward Sherling, a Board-certified diagnostic radiologist, found no acute abnormality and no determinate change from June 4, 2020. A subsequent x-ray report of even date of the left hand signed by Dr. Sherling also found no acute abnormality.

Magnetic resonance imaging (MRI) scan reports of the right and left hands dated June 7, 2022, signed by Dr. Jason Dowling, a diagnostic radiology specialist, demonstrated bilateral capitate-trapezium degenerative arthrosis but no significant MCP arthrosis.

On July 22, 2022 appellant was treated by Dr. Dhruvi Contractor, a Board-certified hand and orthopedic surgeon, for a left carpal tunnel release and trigger finger left middle finger release procedure. He was subsequently seen on August 5, 2022 for a postop follow-up with Erica C. Polari, a certified physician's assistant, and had sutures removed that were previously placed in his right hand on July 22, 2022. The progress note was later countersigned by Dr. Contractor.

Appellant filed another claim for compensation (Form CA-7) on August 4, 2022, claiming leave without pay from July 16 to 29, 2022. On the reverse side of the claim form, leave without pay was noted in Section 12 by the employing establishment from July 16 to 29, 2022.

On August 8, 2022 appellant submitted an incomplete response to the questionnaire provided by OWCP. He indicated that he did not have any similar disability or symptoms before the alleged injury.

By decision dated September 15, 2022, OWCP accepted that the March 23, 2022 employment incident occurred as alleged and that a medical condition was diagnosed in connection with the incident. However, it denied appellant's claim, finding that the medical evidence of record was insufficient to establish causal relationship between the diagnosed condition and the accepted March 23, 2022 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, 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.³ 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.⁴

To determine whether an employee sustained a traumatic injury in the performance of duty, it must first 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 that allegedly occurred. The second component is whether the employment incident caused a personal injury. An employee may establish that an injury occurred in the performance of duty as alleged but fail to establish that the disability or specific condition for which compensation is being claimed is causally related to the injury.⁵

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.⁶ 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.⁷ 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.⁸ 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.⁹

² *Id.*

³ *J.M.*, Docket No. 17-0284 (issued February 7, 2018); *R.C.*, 59 ECAB 427 (2008); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

⁴ *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).

⁵ *M.H.*, Docket No. 18-1737 (issued March 13, 2019); *John J. Carlone*, 41 ECAB 354 (1989).

⁶ *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).

⁷ *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).

⁸ *Id.*

⁹ *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 right-hand condition causally related to the accepted March 23, 2022 employment incident.

Appellant submitted progress notes dated July 22 and August 5, 2022 by Dr. Contractor. He was treated on July 22, 2022 for a left carpal tunnel release and trigger finger left middle finger release procedure. Appellant was subsequently seen on August 5, 2022 for a postop follow-up and had sutures removed that were previously placed in his right hand on July 22, 2022. However, Dr. Contractor did not provide a rationalized medical opinion as to causal relationship between the diagnosed condition and appellant's employment injury. 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.¹⁰ These reports are therefore insufficient to establish appellant's claim.

OWCP also received x-ray reports of both hands dated April 28, 2022 from Dr. Sherling and MRI scan reports of the right and left hands dated June 7, 2022 from Dr. Dowling. The x-ray reports found no acute abnormalities and the MRI scan reports demonstrated bilateral capitate-trapezium degenerative arthrosis but no significant MCP arthrosis. However, diagnostic studies standing alone lack probative value as they do not address whether the employment incident caused any of the diagnosed conditions.¹¹

As appellant has not submitted rationalized medical evidence establishing causal relationship between his diagnosed right-hand condition and the accepted March 23, 2022 employment incident, the Board finds that he has not met his burden of proof to establish his claim.

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-hand condition causally related to the accepted March 23, 2022 employment incident.

¹⁰ *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

¹¹ *A.O.*, Docket No. 21-0968 (issued March 18, 2022); *see M.S.*, Docket No. 19-0587 (issued July 22, 2019).

ORDER

IT IS HEREBY ORDERED THAT the September 15, 2022 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: May 22, 2023
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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