

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

<b>J.L., Appellant</b>	)	
	)	
<b>and</b>	)	<b>Docket No. 21-0719</b>
	)	<b>Issued: December 28, 2021</b>
<b>U.S. POSTAL SERVICE, POST OFFICE, Charlotte, NC, Employer</b>	)	
	)	

*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  
 PATRICIA H. FITZGERALD, Alternate Judge

**JURISDICTION**

On April 13, 2021 appellant filed a timely appeal from a December 10, 2020 merit decision of the Office of Workers’ Compensation Programs (OWCP). Pursuant to the Federal Employees’ Compensation Act<sup>1</sup> (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 causally related to the accepted December 17, 2019 employment incident.

**FACTUAL HISTORY**

On October 28, 2020 appellant, then a 54-year-old rural carrier associate, filed a traumatic injury claim (Form CA-1) alleging that on December 17, 2019 she snapped a ligament in her right wrist due to an excess of tension in the steering wheel of the postal vehicle she was driving while

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<sup>1</sup> 5 U.S.C. § 8101 *et seq.*

in the performance of duty. She further explained that she believed a heavy workload and repetitive use of the right hand weakened her wrist and contributed to her injury. Appellant did not stop work.

In a medical note dated January 30, 2020, Dr. Benjamin C. Gans, an osteopathic physician, noted that appellant related complaints of right wrist pain. He diagnosed right wrist pain and referred her for an x-ray and physical therapy. In a separate letter of even date, Dr. Gans advised that appellant could return to work with a 30-pound lifting restriction.

In a November 2, 2020 development letter, OWCP informed appellant that the evidence it had received was insufficient to support her traumatic injury claim. It advised her of the type of evidence necessary to establish her claim and requested she complete a questionnaire and provide a narrative medical report from her treating physician containing a detailed description of findings and a diagnosis, explaining how her work activities caused, contributed to, or aggravated her medical condition. OWCP afforded appellant 30 days to submit the necessary evidence.

In a November 8, 2020 response to OWCP's development questionnaire, appellant asserted that while delivering packages on December 17, 2019, she was turning the steering wheel of her postal vehicle with her right hand when she felt a snap in her wrist. She related that it felt like something tore, and she immediately became unable to steer with the right hand.

In a November 9, 2020 letter, the employing establishment controverted the claim asserting that the medical evidence submitted was insufficient to establish a medical diagnosis in connection with the alleged injury.

Appellant thereafter submitted a statement dated November 10, 2020 detailing a sequence of employment-related events beginning in late 2017 that she believed led to her alleged employment injury. She also provided news articles addressing the substantial increase in demand for package delivery over the past several years, especially for rural route carriers. In an undated statement, appellant asserted that she sprained her right wrist while delivering an excessive amount of packages, and that she was developing additional symptoms in her shoulder and neck.

OWCP also received copies of text message conversations between appellant and her postmaster regarding her schedule and complaints of overwork, as well as copies of text messages between her and the individual who had converted her personal vehicle into a right hand drive with an affixed tension bar. Appellant additionally submitted photographs of the interior of her postal vehicle.

By decision dated December 10, 2020, OWCP accepted that the December 17, 2019 employment incident occurred, as alleged. However, it denied appellant's traumatic injury claim, finding that she had not submitted any medical evidence containing a medical diagnosis in connection with the accepted employment incident. Consequently, OWCP found that she had not met the requirements to establish an injury as defined by FECA.

## 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. 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. The second component is whether the employment incident caused a personal injury and can be established only by medical evidence.<sup>6</sup>

The medical evidence required to establish 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 factors identified by the employee.<sup>8</sup>

## ANALYSIS

The Board finds that appellant has not met her burden of proof to establish a diagnosed medical condition causally related to the accepted December 17, 2019 employment incident.

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<sup>2</sup> *Supra* note 1.

<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).

<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).

In support of her claim, appellant submitted a January 30, 2020 note by Dr. Gans, which contained a diagnosis of right wrist pain. The Board has held that pain is a description of a symptom, not a clear diagnosis of a medical condition.<sup>9</sup> As such, Dr. Gans' note is insufficient to meet appellant's burden of proof.

As there is no medical evidence of record establishing a diagnosed medical condition causally related to the accepted December 17, 2019 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 diagnosed medical condition causally related to the accepted December 17, 2019 employment incident.

### **ORDER**

**IT IS HEREBY ORDERED THAT** the December 10, 2020 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: December 28, 2021  
Washington, DC

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

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Alternate Judge  
Employees' Compensation Appeals Board

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<sup>9</sup> *D.R.*, Docket No. 18-1408 (issued March 1, 2019); *D.A.*, Docket No. 18-0783 (issued November 8, 2018).