

U.S. DEPARTMENT OF LABOR
Office of Workers' Compensation Programs

DECISION OF THE HEARINGS AND REVIEW EXAMINER

In the matter of the claim for compensation under the Title 5, U.S. Code 8101 et seq. of
Claimant; Employed by

Case File number

Merit consideration of the case file was completed on _____ in Washington, DC.
Based on this review, the decision of the district office dated _____ is reversed
for the reasons set forth below.

The issue for determination is whether Mr. Pinckney has established fact of injury in his claim for a work injury of

On _____ Mr. _____, a maintenance worker, filed a Notice of Traumatic Injury claiming that he injured himself while pulling a cart and helping lift and set stories.

The district office denied Mr. _____ claim on the basis that he failed to establish fact of injury in his claim. Mr. _____ disagreed with the district office's decision and requested an oral hearing by the Branch of Hearings and Review. However, on initial review, I do not find the case to be in posture for a hearing.

In the _____ Notice of Decision, the district office found there was sufficient evidence on file to support that the claimant sustained an injury as alleged but there was no condition diagnosed by a physician recognized under the FECA. However, this reviewer finds that medical evidence received to file on the same day as the district office' _____ decision was sufficient to accept the claim.

The medical evidence on file includes a narrative dated _____ written by Dr. _____ which provides a brief history of the injury, a diagnosis of inguinal hernia and the treatment for this injury.

The employees' compensation appeal board has ruled:

A person who claims benefits under the FECA has the burden of establishing the essential elements of his claim, including the fact that he sustained an injury while in the performance of duty. Although compensation awards must be based on reliable, probative and substantial evidence, the evidence required is only that necessary to convince the adjudicator that the conclusion drawn is rational and sound; it is not necessary that the evidence be so conclusive as to establish causal connection beyond all possible doubt. Where the relative circumstances strongly suggest a causal relationship and where the medical evidence also supports a causal relationship,

appellant has met his burden of proof.
, issued February 22, 1991).

42 ECAB ___ (Docket No ___)

Finally, this reviewer finds that the medical evidence of file satisfies all five basic elements, and the case should be accepted for inguinal hernia.

The decision of _____ is hereby **REVERSED**. The case file is being returned to the district office for acceptance of the claim and payment of appropriate medical and compensation benefits.

DATED: MAY 20 2005
WASHINGTON, DC