U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of KATHRYN M. WALKER and U.S. POSTAL SERVICE,
POST OFFICE, Chicago, Ill.

Docket No. 97-754; Submitted on the Record;
Issued December 18, 1998

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
DAVID S. GERSON

The issue is whether appellant met her burden of proof to establish that she sustained a heart attack in the performance of duty on March 8, 1995.

The Board has reviewed the case record in the present case and finds that appellant did not meet her burden of proof to establish that she sustained a heart attack in the performance of duty on March 8, 1995.

An employee seeking benefits under the Federal Employees' Compensation Act[1] has the burden of establishing the essential elements of her claim including the fact that the individual is an "employee of the United States" within the meaning of the Act, that the claim was timely filed within the applicable time limitation period of the Act, that an injury was sustained in the performance of duty as alleged and that any disability and/or specific condition for which compensation is claimed are causally related to the employment injury.[2] These are the essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.[3]

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it first must be determined whether the "fact of injury" has been established. There are two components involved in establishing the fact of injury. First, the employee must submit sufficient evidence to establish that she actually experienced the employment incident at

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[1] 5 U.S.C. §§ 8101-8193.

[2] *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

[3] *Delores C. Ellyett*, 41 ECAB 992, 998-99 (1990); *Ruthie M. Evans*, 41 ECAB 416, 423-27 (1990).

the time, place and in the manner alleged.[4] Second, the employee must submit evidence, in the form of medical evidence, to establish that the employment incident caused a personal injury.[5] The term "injury" as defined by the Act, refers to some physical or mental condition caused by either trauma or by continued or repeated exposure to, or contact with, certain factors, elements or conditions.[6]

In the present case, appellant alleged that she sustained an employment-related heart attack on March 8, 1995. By decisions dated July 29 and November 21, 1996, the Office of Workers' Compensation Programs denied appellant's claim on the grounds that she did not submit sufficient evidence to establish that she sustained an employment injury on March 8, 1995.

Appellant submitted an undated form report, received by the Office on January 22, 1996, in which Dr. Tyla Courtney, an attending Board-certified internist, listed the date of injury as March 8, 1995, diagnosed myocardial infarction and coronary artery disease, and checked a "yes" box indicating that the injury was related to the employment activity "stress-related anxiety." Dr. Courtney's report is of limited probative value to show that appellant sustained an employment-related injury on March 8, 1995 in that it does not contain adequate medical rationale in support of its conclusion on causal relationship.[7] Dr. Courtney did not provide any further explanation of what type of employment-related stress would have caused or aggravated appellant's heart condition or describe the medical process through such stress could have contributed to her heart attack.[8] Nor did she explain why appellant's heart attack was not solely due to some preexisting condition such as high blood pressure or coronary artery disease.[9] Appellant also submitted several reports, dated between April and December 1995, in which attending physicians described her medical treatment after her heart attack. These reports, however, are of limited probative value on the relevant issue in the present case in that they do

[4] *Julie B. Hawkins*, 38 ECAB 393, 396 (1987); *see* Federal (FECA) Procedure Manual, Part 2 -- Claims, *Fact of Injury*, Chapter 2.803.2a (June 1995).

[5] *John J. Carlone*, 41 ECAB 354, 356-57 (1989); *see* Federal (FECA) Procedure Manual, Part 2 -- Claims, *Fact of Injury*, Chapter 2.803.2a (June 1995).

[6] *Elaine Pendleton*, *supra* note 2; 20 C.F.R. § 10.5(a)(14).

[7] *See Leon Harris Ford*, 31 ECAB 514, 518 (1980) (finding that a medical report is of limited probative value on the issue of causal relationship if it contains a conclusion regarding causal relationship which is unsupported by medical rationale).

[8] In a factual statement accompanying her claim, appellant indicated that she was casing mail indoors at the time she experienced a heart attack on March 8, 1995. Appellant generally described employment incidents and conditions from the past which she suggested were stressful, but she did not indicate that she experienced any stressful incident or condition on or about March 8, 1995.

[9] The record also reveals that appellant had systemic lupus and rheumatologic conditions.

not contain an opinion that appellant's alleged injury was causally related to employment factors.[10]

The decisions of the Office of Workers' Compensation Programs dated November 21 and July 29, 1996 are affirmed.

Dated, Washington, D.C.
December 18, 1998

Michael J. Walsh
Chairman

George E. Rivers
Member

David S. Gerson
Member

[10] *See Charles H. Tomaszewski*, 39 ECAB 461, 467-68 (1988) (finding that medical evidence which does not offer any opinion regarding the cause of an employee's condition is of limited probative value on the issue of causal relationship). One attending physician directly related appellant's heart attack to her lupus and preexisting coronary conditions.