U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of HOWARD W. RUSSELL and DEPARTMENT OF THE ARMY, CORPS OF ENGINEERS, Baltimore, Md.

Docket No. 96-777; Submitted on the Record;
Issued January 5, 1998

DECISION and ORDER

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

The issue is whether appellant met his burden of proof to establish that he sustained a left lower extremity injury in the performance of duty on October 11, 1995.

The Board has duly reviewed the case record in the present appeal and finds that appellant did not meet his burden of proof to establish that he sustained a left lower extremity injury in the performance of duty on October 11, 1995.

An employee seeking benefits under the Federal Employees' Compensation Act[1] has the burden of establishing the essential elements of his 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

[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).

submit sufficient evidence to establish that he actually experienced the employment incident at 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 he injured his left ankle while operating a mechanical tiller at work on October 11, 1995. By decision dated December 14, 1995, the Office denied appellant's claim on the grounds that he did not submit sufficient medical evidence to establish that he sustained an employment-related injury on October 11, 1995. In support of his claim, appellant submitted an authorization for examination and/or treatment form completed on October 30, 1995 by Dr. Vivek C. Vaid, an attending Board-certified family practitioner.[7] In this report, Dr. Vaid diagnosed "sprain" and checked a "yes" box indicating that this condition was caused or aggravated by the "described" employment activity. The portion of the form for describing the history of injury was left blank. This report is of limited probative value on the relevant issue of the present case in that it does not contain a clear opinion, supported by medical rationale, showing that appellant sustained a diagnosable injury due to an employment factor on October 11, 1995.[8] Dr. Vaid did not provide a clear diagnosis of appellant's condition in that he only generally indicated that he had a sprain. Nor did he provide any history of the alleged injury or medical rationale supporting his opinion on causal relationship. Appellant did not submit any other evidence and the Office properly denied his claim on the grounds that he did not submit sufficient medical evidence in support thereof.

[4] *Julie B. Hawkins*, 38 ECAB 393, 396 (1987); *see* Federal (FECA) Procedure Manual, Part 2 -- Claims, *Fact of Injury*, Chapter 2.803.2(a) (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] The Form CA-16 submitted by appellant was issued by the employing establishment on October 24, 1995. It does not, however, provide authorization for treatment of appellant's claimed injury in that it does not give the full name and address of the duly qualified physician or medical facility authorized to provide service; *see Anthony Centu*, 40 ECAB 563, 565 (1989).

[8] *See George Randolph Taylor*, 6 ECAB 986, 988 (1954) (finding that a medical opinion not fortified by medical rationale is of little probative value).

The decision of the Office of Workers' Compensation Programs dated December 14, 1995 is affirmed.

Dated, Washington, D.C.
January 5, 1998

Michael J. Walsh
Chairman

George E. Rivers
Member

David S. Gerson
Member