

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of GARY S. WOODINGTON and DEPARTMENT OF THE NAVY,
NAVAL SURFACE WARFARE CENTER, COASTAL SYSTEMS STATION,
Panama, City, Fla.

*Docket No. 96-2035; Submitted on the Record;
Issued June 11, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
MICHAEL E. GROOM

The issue is whether appellant has established that he sustained an injury in the performance of duty on February 10, 1996 as alleged.

The Board finds that appellant has not established that he sustained an injury in the performance of duty on February 10, 1996 as alleged.

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, the employee must first submit sufficient evidence to establish that he or she actually experienced the employment incident in the time, place and manner alleged.¹ Second, the employee must submit sufficient evidence, generally only in the form of medical evidence, to establish that the employment incident caused a personal injury.²

In this case, appellant, then a 42-year-old mechanical engineer, filed a February 23, 1996 claim alleging head, neck and back injuries sustained in an automobile accident on February 10, 1996 while on temporary-duty assignment. The Office advised appellant by March 12, 1996 letter of the type of additional medical and factual evidence need to establish his claim, including information regarding the time, location and circumstances of the automobile accident, copies of his travel orders, and "all medical records." However, appellant submitted no additional evidence of record. Thus, by April 17, 1996 decision, the Office denied appellant's claim on the grounds that no medical evidence was received, and that appellant had therefore failed to establish the fact of an employment-related injury.

¹ *John J. Carlone*, 41 ECAB 354 (1989).

² *Id.* For a definition of the term "injury," see 20 C.F.R. § 110.5(a)(14).

Appellant submitted insufficient evidence to establish that the automobile accident occurred at the time and place and in the manner alleged, or that he sustained any injury, as he provided no corroborating factual or medical evidence. Consequently, appellant has not demonstrated that he sustained a compensable injury.

The decision of the Office of Workers' Compensation Programs dated April 17, 1996 is hereby affirmed.

Dated, Washington, D.C.
June 11, 1998

Michael J. Walsh
Chairman

Willie T.C. Thomas
Alternate Member

Michael E. Groom
Alternate Member