

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of MARCELLA GRIFFIN and U.S. POSTAL SERVICE,  
POST OFFICE, Detroit, MI

*Docket No. 01-991; Submitted on the Record;  
Issued December 14, 2001*

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DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,  
BRADLEY T. KNOTT

The issue is whether appellant met her burden of proof to establish that she sustained an injury in the performance of duty on September 16, 2000.

On November 10, 2000 appellant, then a 31-year-old part-time mailhandler, filed a notice of traumatic injury, claiming that on September 16, 2000 she was "lifting and throwing sacks of mail" when she pulled her abdominal muscle and had chronic back pain. Appellant was diagnosed with L5 sprain on November 8, 2000 by Dr. Thomas Mays, a Board-certified family practitioner. In a letter dated November 13, 2000, appellant's employing establishment controverted her claim because of insufficient medical evidence and untimely filing.

By letter dated November 16, 2000, the Office of Workers' Compensation Programs requested that appellant submit additional information to support her claim.

In a report dated September 29, 2000, appellant was diagnosed with "myofascitis cervical complicated by nerve injury" by Dr. William L. Nelson, chiropractor. In a report from Dr. Mays dated October 13, 2000, she was also diagnosed with abdominal muscle sprain. Dr. Mays noted that appellant was unable to work from September 18 to October 16, 2000.

By decision dated December 26, 2000, the Office denied appellant's claim since she did not establish causal relationship between her diagnosed condition and her employment duties.

The Board finds that appellant did not meet her burden of proof to establish that she sustained an injury in the performance of duty on September 16, 2000.

An employee seeking benefits under the Federal Employees' Compensation Act<sup>1</sup> has the burden of establishing the essential elements of his or her claim including the fact that the individual is an "employee of the United States" within the meaning of the Act, that the claim

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

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.<sup>2</sup> These are the essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.<sup>3</sup>

To determine whether an employee has sustained a traumatic injury in the performance of duty, it must first be determined whether a “fact of injury” has been established. First, the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time, place and in the manner alleged.<sup>4</sup> 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.<sup>5</sup> An employee may establish that an injury occurred in the performance of duty as alleged but fail to establish that his or her disability and/or a specific condition for which compensation is claimed are causally related to the injury.<sup>6</sup>

The medical evidence required to establish a causal relationship is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence which includes a physician’s rationalized opinion on the issue of whether there is a causal relationship between the claimant’s diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant, 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 the specific employment factors identified by the claimant.<sup>7</sup>

In this case, appellant submitted various medical reports offering several diagnoses, but the reports did not establish a causal connection between appellant’s condition and the alleged work-related incident on September 16, 2000. She submitted reports diagnosing her with abdominal muscle sprain and cervical myofascitis complicated by nerve injury, yet submitted no reports offering an opinion on the issue of whether her diagnosed conditions were caused by her employment.

The medical evidence of record diagnoses appellant with lumbar sacral myositis and abdominal wall muscle strain, yet offers no medical rationale explaining the relationship between the diagnosed conditions and her employment.

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<sup>2</sup> *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

<sup>3</sup> *Delores C. Ellyett*, 41 ECAB 992, 994 (1990); *Ruthie M. Evans*, 41 ECAB 416, 423-25 (1990).

<sup>4</sup> *John J. Carlone*, 41 ECAB 354 (1989).

<sup>5</sup> *Id.* For a definition of the term “injury,” see 20 C.F.R. § 10.5(a)(14).

<sup>6</sup> As used in the Act, the term “disability” means incapacity because of an injury in employment to earn wages the employee was receiving at the time of the injury, *i.e.*, a physical impairment resulting in loss of wage-earning capacity. *Frazier V. Nichol*, 37 ECAB 528 (1986).

<sup>7</sup> *Delores C. Ellyett*, 41 ECAB 992, 994 (1990); *Ruthie M. Evans*, 41 ECAB 416, 423-25 (1990).

The December 26, 2000 decision of the Office of Workers' Compensation Programs is hereby affirmed.<sup>8</sup>

Dated, Washington, DC  
December 14, 2001

David S. Gerson  
Member

Willie T.C. Thomas  
Member

Bradley T. Knott  
Alternate Member

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<sup>8</sup> Appellant, on her AB-1 form, indicated that she was appealing a decision dated March 6, 2001. The Board does not have jurisdiction over this decision since this is after the date the appeal was filed on February 28, 2001. If the March 6, 2001 decision pertains to a different claim, appellant can file a new appeal for that claim.