

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of EDWARD BUCHANNAN and DEPARTMENT OF THE AIR FORCE,
TRAVIS AIR FORCE BASE, CA

*Docket No. 00-1393; Submitted on the Record;
Issued March 27, 2001*

DECISION and ORDER

Before WILLIE T.C. THOMAS, MICHAEL E. GROOM,
BRADLEY T. KNOTT

The issue is whether appellant met his burden of proof to establish that he sustained an injury in the performance of duty.

The Board has given careful consideration to the issue involved, the contentions of the parties on appeal and the entire case record. The Board finds that the decision of the Office of Workers' Compensation Programs' hearing representative, dated and finalized on January 24, 2000, is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the hearing representative.¹

¹ In order to determine whether an employee actually sustained an injury in the performance of duty, the Office begins with an analysis of whether fact of injury has been established. Generally, fact of injury consists of two components that must be considered in conjunction with one another. The first component to be established is that the employee actually experienced the employment incident that is alleged to have occurred. *Elaine Pendleton*, 40 ECAB 1143 (1989). The second component is whether the employment incident caused a personal injury. This latter component generally can be established only by medical evidence; *see* 20 C.F.R. § 10.110(a); *John M. Tornello*, 35 ECAB 234 (1983). In the instant case, appellant has failed to meet his burden of demonstrating that exposure to hazardous materials during the course of his federal employment caused his restrictive lung disease.

The decision of the Office of Workers' Compensation Programs dated and finalized January 24, 2000 is hereby affirmed.

Dated, Washington, DC
March 27, 2001

Willie T.C. Thomas
Member

Michael E. Groom
Alternate Member

Bradley T. Knott
Alternate Member