

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of DANA L. COLQUITT and DEPARTMENT OF TRANSPORTATION,  
FEDERAL AVIATION ADMINISTRATION, Conroe, TX

*Docket No. 01-1490; Submitted on the Record;  
Issued March 20, 2002*

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DECISION and ORDER

Before ALEC J. KOROMILAS, COLLEEN DUFFY KIKO,  
WILLIE T.C. THOMAS

The issue is whether appellant sustained an injury in the performance of duty on November 30, 2000.

The Board finds that appellant has failed to establish that she sustained an injury while in the performance of duty.

On December 2, 2000 appellant, then a 37-year-old air traffic controller, filed a claim alleging that she sustained a rash on her neck while in the performance of duty.

In a report dated December 4, 2000, the employing establishment stated that appellant was an air traffic controller and was not authorized to dust the tops of the consoles in the operations area. However, appellant advised her supervisor that she had dusted the consoles.

In an attending physician's report dated December 6, 2000, a doctor noted that appellant had a reaction to an insect bite that occurred at work on November 30, 2000.

By letter dated December 18, 2000, the Office of Workers' Compensation Programs advised appellant regarding the type of evidence she needed to process her claim.

In a narrative dated December 22, 2000, appellant stated that she was dusting off the tops of the computer consoles "when I felt something stinging my neck." The next morning, Friday, she had a rash and by Sunday the rash "began to itch horribly."

By decision dated January 19, 2001, the Office denied appellant's claim on the grounds that the evidence of record failed to establish that she sustained an injury at work.

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

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

individual is an “employee of the United States within the meaning of the Act, that the claim was filed within the applicable time limitation 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 and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or occupational disease.<sup>3</sup>

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 which must be considered in conjunction with one another.

The first component to be established is that the employee actually experienced the employment incident which is alleged to have occurred.<sup>4</sup> The second component is whether the employment incident caused a personal injury and generally can be established only by medical evidence.<sup>5</sup>

In the present case, the Board finds that appellant established that the incident of an insect bite occurred as alleged, but the Board further finds that appellant failed to establish that the insect bite caused a medical condition. The only medical evidence is a December 6, 2000 attending physician’s report<sup>6</sup> which notes *via* checkmark that appellant sustained an insect bite on November 30, 2000, while at work, causing a secondary rash on her neck. However, this report is devoid of history of injury, a rationalized opinion relating the diagnosed condition to the employment, and does not contain a definitive diagnosis. Because this report lacks a medical rationale explaining how, if at all, an insect bite caused appellant’s skin problem, the medical evidence of record is not probative in establishing that appellant’s skin condition resulted from factors of employment.<sup>7</sup> The evidence of record is therefore insufficient to meet appellant’s burden of proof and the Office properly denied appellant’s claim for compensation.

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

<sup>3</sup> *Daniel J. Overfield*, 42 ECAB 718, 721 (1991).

<sup>4</sup> *Elaine Pendleton*, *supra* note 2.

<sup>5</sup> *Melinda C. Epperly*, 45 ECAB 196, 198 (1993).

<sup>6</sup> The report does not include a legible doctor’s signature.

<sup>7</sup> *Mildred D. Thomas*, 42 ECAB 888, 900 (1991); *Merton J. Sills*, 39 ECAB 572, 575 (1988). Likewise reports in which a doctor supports causal relationship by checking a box “yes,” without providing medical reasoning supporting the opinion are insufficient to establish the claim; *see Alberta S. Williamson*, 47 ECAB 569 (1996).

The January 19, 2001 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC  
March 20, 2002

Alec J. Koromilas  
Member

Colleen Duffy Kiko  
Member

Willie T.C. Thomas  
Alternate Member