

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of VALORIE A. LACEY and DEPARTMENT OF VETERANS AFFAIRS,  
VETERANS ADMINISTRATION MEDICAL CENTER, Philadelphia, PA

*Docket No. 02-1277; Submitted on the Record;  
Issued September 20, 2002*

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DECISION and ORDER

Before MICHAEL J. WALSH, ALEC J. KOROMILAS,  
A. PETER KANJORSKI

The issue is whether appellant's injuries were caused by her federal employment.

On March 22, 2001 appellant, then a 42-year-old food service worker, filed a notice of traumatic injury alleging that on March 7, 2001 she was stepping onto a platform to unload boxes when she slipped injuring her left foot and her right leg and her right foot became pinned underneath her. Appellant submitted a March 21, 2001 report from Dr. Perry Kaplan who stated that appellant had injured her right knee on September 25, 2000. He indicated that he last evaluated appellant on March 16, 2001 but did not mention the March 7, 2001 workplace injury. Appellant submitted a March 7, 2001 emergency room report stating that she had pain in the left side of her back and right foot, extending up to her head. Dr. Yen Wang diagnosed appellant with mild degenerative joint disease of the right ankle with no fracture on March 7, 2001. Her right knee was also normal with no fractures or dislocation.

By decision dated June 13, 2001, the Office of Workers' Compensation Programs denied appellant's claim since she did not establish fact of injury.

Appellant requested reconsideration and submitted a March 13, 2001 report from Dr. Xiaodan Ye, a Board-certified internist, who stated that appellant complained of right hip pain, shoulder pain and back pain. She indicated: "[appellant] claims that it is work related. By my physical examination, no abnormal findings were noted. [Appellant] was advised to go to her workplace."

By decision dated January 17, 2002, the Office denied appellant's request for modification of its previous decision.

The Board finds that appellant did not meet her burden of proof to establish that her injuries were caused by factors of her federal employment.

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 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>

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>6</sup>

The Board finds that the medical evidence submitted by appellant does not contain a rationalized medical opinion relating her injuries to employment factors. There are no reports of record which address causal relationship or factors of appellant's employment. There are also no diagnoses of record. The diagnostic reports all indicate that appellant's spine, right shoulder, right knee and right ankle are normal. There were no fractures, dislocations or significant abnormalities noted in the bones. Dr. Ye also stated that there were no abnormal findings and appellant could return to work. A claimant has the burden of establishing by the weight of the reliable, probative and substantial evidence that the condition for which compensation is claimed was caused or adversely affected by employment factors.<sup>7</sup>

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

<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> *Supra* note 3.

<sup>7</sup> *Ronald C. Hand*, 49 ECAB 113 (1997).

Since the medical evidence submitted does not establish a causal relationship between appellant's various injuries and her employment, appellant has not met her burden of proof in establishing her claim.

The January 17, 2002 and June 13, 2001 decisions of the Office of Workers' Compensation Programs are hereby affirmed.

Dated, Washington, DC  
September 20, 2002

Michael J. Walsh  
Chairman

Alec J. Koromilas  
Member

A. Peter Kanjorski  
Alternate Member