

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of RENEE TURNER and U.S. POSTAL SERVICE,
POST OFFICE, Philadelphia, PA

*Docket No. 02-1987; Submitted on the Record;
Issued January 8, 2003*

DECISION and ORDER

Before COLLEEN DUFFY KIKO, DAVID S. GERSON,
MICHAEL E. GROOM

The issue is whether appellant sustained an injury in the performance of her federal duties.

On May 6, 2002 appellant, then a 45-year-old mail processor, filed a notice of traumatic injury and claim for compensation (Form CA-1), alleging that on April 30, 2002 while working she felt severe pain in her chest. No medical evidence was submitted at that time.

In a June 7, 2002 letter, the Office of Workers' Compensation Programs informed appellant of the deficiencies in her claim, including a diagnosis with rationalized medical evidence causally relating her medical condition to an employment factor.

On June 13, 2002 the Office received an emergency room report from Germantown Community Health Services with an illegible signature and a diagnosis of chest wall pain.

Appellant also submitted a May 11, 2002 report from Dr. Walter Slizofski, a radiologist, that diagnosed borderline cardiomegaly with no acute pulmonary disease.

In a July 2, 2002 decision, the Office denied appellant's claim.

The Board finds that appellant has not met her burden of proof to establish that she sustained an injury in the performance of her federal duties.

An employee seeking benefits under the Federal Employees' Compensation Act¹ 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

¹ 5 U.S.C. §§ 8101-8193.

for which compensation is claimed are causally related to the employment injury.² The medical evidence required to establish a causal relationship between a claimed period of disability and an employment injury 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 compensable 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.³

In the present case, appellant has not provided sufficient medical evidence that includes a diagnosis; nor has she identified an employment factor that caused the medical condition. The reports of the emergency room and Dr. Slizofski do not provide any opinion relating their findings to appellant's federal employment. Furthermore, appellant has not provided evidence that a medical condition was caused by the alleged employment factor. Appellant was notified of the deficiencies of her claim, but did not submit the necessary information.

Absent these critical elements appellant has not met her burden of proof to establish that she sustained an injury in the performance of her federal duties.⁴

The July 2, 2002 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
January 8, 2003

Colleen Duffy Kiko
Member

David S. Gerson
Alternate Member

Michael E. Groom
Alternate Member

² *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

³ *See Donna Faye Cardwell*, 41 ECAB 730, 741-42 (1990).

⁴ Appellant submitted additional evidence to the Board; however, the jurisdiction of the Board is limited to the evidence that was before the Office at the time it issued its final decision; see 20 C.F.R. § 501.2(c). This decision does not preclude appellant from submitting additional evidence to the Office along with a request for reconsideration.