

Breckwoldt, an internist, who stated that appellant should be excused from work on November 3 to 6, 7, 10 and 14, 2003 due to an illness.

In a November 24, 2003 letter, the Office notified appellant that she needed to submit more information, including rationalized medical evidence. In response appellant submitted a November 19, 2003 report from Dr. Breckwoldt who stated that appellant was under his care for back pain. He noted that appellant complained of back pain after lifting some boxes at work. Dr. Breckwoldt stated that appellant was out of work from November 7 to 10 and 14, 2003.

In a December 31, 2003 decision, the Office denied appellant's claim finding the medical evidence insufficient to meet her burden of proof as it failed to provide a diagnosis or causally relate appellant's condition to her employment.

LEGAL PRECEDENT

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 for which compensation is claimed are causally related to the employment injury.² These are the essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.³

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it first must be determined whether the "fact of injury" has been established. There are two components involved in establishing the fact of injury. First, the employee must submit sufficient evidence to establish that he actually experienced the employment incident at the time, place and in the manner alleged.⁴ Second, the employee must submit evidence, in the form of medical evidence, to establish that the employment incident caused a personal injury.⁵ The term "injury" as defined by the Act, refers to some physical or mental condition caused by either trauma or by continued or repeated exposure to, or contact with, certain factors, elements or conditions.⁶

¹ 5 U.S.C. § 8101 *et seq.*

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

³ *Delores C. Ellyett*, 41 ECAB 992, 998-99 (1990); *Ruthie M. Evans*, 41 ECAB 416, 423-27 (1990).

⁴ *Julie B. Hawkins*, 38 ECAB 393, 396 (1987); *see* Federal (FECA) Procedure Manual, Part 2 -- Claims, *Fact of Injury*, Chapter 2.803.2a (June 1995).

⁵ *John J. Carlone*, 41 ECAB 354, 356-57 (1989); *see* Federal (FECA) Procedure Manual, Part 2 -- Claims, *Fact of Injury*, Chapter 2.803.2a (June 1995).

⁶ *Elaine Pendleton*, *supra* note 2; 20 C.F.R. § 10.5(a)(14).

ANALYSIS

In the present case, the Office did not contest that an incident occurred as alleged. The Board finds, however, that appellant failed to submit sufficient medical evidence to meet her burden of proof under the Act. Dr. Breckwoldt's November 19, 2003 report only states that he was treating appellant for back pain which she complained about after lifting boxes at work. He did not provide a diagnosis or explain how the condition resulted from appellant's employment; nor did he explain what illness he was referencing in his disability notices. Absent probative medical evidence on causal relationship, which the Office requested of appellant in the November 24, 2003 letter, appellant has not met her burden of proof to establish she sustained a back injury in the performance of her federal duties.

CONCLUSION

Appellant has not met her burden of proof to establish that she injured her back in the performance of her federal duties.

ORDER

IT IS HEREBY ORDERED THAT the January 12, 2004 decision by the Office of Workers' Compensation Programs is affirmed.

Alec J. Koromilas
Chairman

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member