

)	
NATALIE J. GREENLEY, Appellant)	
)	
and)	Docket No. 04-2045
)	Issued: January 24, 2005
U.S. POSTAL SERVICE, POST OFFICE,)	
St. Louis, MO, Employer)	
)	

Case Submitted on the Record

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

On August 16, 2004 appellant filed a timely appeal of the Office of Workers' Compensation Programs' merit decision dated May 13, 2004, which found that she did not establish that she sustained an injury in the performance of duty. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

The issue is whether appellant established that she sustained an injury in the performance of duty on December 13, 2003.

On March 22, 2004 appellant, then a 53-year-old letter carrier, filed a traumatic injury claim alleging that on December 13, 2003 she injured her lower back during a motor vehicle accident when another vehicle hit her front fender as she pulled out at a stop sign. On the reverse side of the claim form, the employing establishment indicated that appellant had received care at St. Joseph's Hospital on December 13, 2003 and that she was in the performance of her duties at

the time of the accident. Appellant returned to work the next day, December 14, 2003. No evidence was submitted with the claim.

On April 7, 2004 the Office advised appellant of the need for medical evidence and requested that her attending physician submit a medical report. The Office afforded appellant 30 days within which to submit the requested medical information. The Office did not receive any evidence from appellant.

By decision dated May 13, 2004, the Office denied appellant's claim on the basis that she failed to establish that she sustained an injury in the performance of duty. The Office stated that the evidence of file reflected that the claimed event occurred, but there was no medical evidence which provided a diagnosis which could be connected to the event.

LEGAL PRECEDENT

In order to determine whether an employee sustained a traumatic 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.¹ The second component is whether the employment incident caused a personal injury.² Causal relationship is a medical question that can generally be resolved only by rationalized medical opinion evidence.³

ANALYSIS

The Office found that appellant experienced the December 13, 2003 motor vehicle accident. However, it denied the claim because of appellant's failure to submit any medical evidence diagnosing a condition arising from the December 13, 2003 motor vehicle accident. On April 7, 2004 the Office had advised appellant that medical evidence was necessary to establish her claim; however, the Office did not receive any evidence within the allotted 30 days. Appellant failed to submit any evidence which included a medical diagnosis of her claimed back condition or which explained how or why her claimed condition was caused or aggravated by the December 13, 2003 motor vehicle accident. She has failed to establish a *prima facie* claim for compensation benefits.⁴

¹ *Elaine Pendleton*, 40 ECAB 1143 (1989).

² *John J. Carlone*, 41 ECAB 354 (1989).

³ See *Robert G. Morris*, 48 ECAB 238 (1996). A physician's opinion on the issue of causal relationship must be based on a complete factual and medical background of the claimant. *Victor J. Woodhams*, 41 ECAB 345, 352 (1989). Additionally, in order to be considered rationalized, the opinion must be expressed in terms of a reasonable degree of medical certainty and must be supported by medical rationale, explaining the nature of the relationship between the diagnosed condition and claimant's specific employment factors. *Id.*

⁴ See *Richard A. Weiss*, 47 ECAB 182 (1995).

CONCLUSION

Appellant has failed to submit any medical evidence establishing that she sustained an injury due to the accepted employment incident. The Board finds that she has failed to satisfy her burden of proof.⁵

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated May 13, 2004 is affirmed.

Issued: January 24, 2005
Washington, DC

Colleen Duffy Kiko
Member

David S. Gerson
Alternate Member

Michael E. Groom
Alternate Member

⁵ The Board notes that the record on appeal contains evidence that the Office received after it issued the May 17, 2004 decision. The Board's jurisdiction on appeal is limited to a review of the evidence which was in the case record before the Office at the time of its final decision. *See* 20 C.F.R. § 501.2(c). Therefore, the Board is precluded from reviewing this evidence. Appellant may resubmit this evidence and any legal contentions to the Office accompanied by a request for reconsideration pursuant to 5 U.S.C. § 8128(a). 20 C.F.R. § 10.606(b).