United States Department of Labor
Employees' Compensation Appeals Board

DONNA A. LIETZ, Appellant	)	
and	)	**Docket No. 05-1758**
	)	**Issued: October 27, 2005**
U.S. POSTAL SERVICE, POST OFFICE, Ocala, FL, Employer	)	

Appearances:
Donna A. Lietz, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

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

JURISDICTION

On August 24, 2005 appellant filed a timely appeal from the Office of Workers' Compensation Programs' July 11, 2005 merit decision denying her claim for an employment-related traumatic injury. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3(d)(2), the Board has jurisdiction over the merits of this case.

ISSUE

The issue is whether appellant met her burden of proof to establish that she sustained a hypertension or headache condition in the performance of duty on February 3, 2005.

FACTUAL HISTORY

On May 19, 2005 appellant, then a 49-year-old letter carrier, filed a traumatic injury claim alleging that she sustained an injury at work on February 3, 2005. Regarding the cause of the injury, appellant stated, "Inhaled fumes that were emitted from a parcel." Regarding the

nature of the injury, she noted, "Blood pressure went very high and had headache."[1] Appellant did not stop work. The record contains a portion of a grievance form which bears appellant's name but is not signed or dated. Handwriting on the form provides, "I suffered a severe headache and elevated blood pressure from the evacuation at the [post office]."

In a letter dated April 28, 2005, Douglas Clark, a manager, indicated that medical personnel transported appellant to Munroe Medical Center on February 3, 2005. Mr. Clark indicated that, prior to when appellant was transported, management provided on-site emergency medical care to determine if anyone had been exposed to a hazardous substance. He noted that the Marion County Hazmat Team determined that the article in question was nonhazardous and "cleared all employees."

By letter dated June 8, 2005, the Office requested that appellant submit additional factual and medical evidence in support of her claim within 30 days. Appellant did not submit any additional evidence within the allotted time.

By decision dated July 11, 2005, the Office denied appellant's claim that she sustained an injury in the performance of duty on February 3, 2005. The Office found that she had not established that she actually experienced an employment incident at the time, place and in the manner alleged.

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees' Compensation Act[2] has the burden of establishing the essential elements of 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.[3] These are the essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.[4]

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 she actually experienced the

[1] A portion of the claim form contains a May 20, 2005 statement in which Lorraine Beckham stated that when she arrived at work on February 3, 2005 she smelled a strong bleach-like smell. She indicated that the employees were later evacuated from the building.

[2] 5 U.S.C. §§ 8101-8193.

[3] *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

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

employment incident at the time, place and in the manner alleged.[5] Second, the employee must submit evidence, in the form of medical evidence, to establish that the employment incident caused a personal injury.[6] 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.[7]

ANALYSIS

Appellant alleged that she sustained a hypertension and headache condition when she was exposed to fumes from a parcel on February 3, 2005. However, she has not established the factual aspect of her claim. She has not submitted sufficient evidence to establish that she actually experienced an employment incident at the time, place and in the manner alleged.[8]

Appellant did not provide any indication of the type of fumes to which she was exposed on February 3, 2005. It is unclear what substance appellant believed caused her claimed condition. She merely indicated that she was exposed to fumes from a package without elaboration.[9] Mr. Clark, the manager at appellant's work site, indicated that, prior to transporting appellant to the hospital on February 3, 2005, emergency medical workers provided on-site medical care to determine if anyone had been exposed to a hazardous substance. He noted that the Marion County Hazmat Team determined that the article in question was nonhazardous and "cleared all employees." None of the other evidence of record provides support for appellant's claim that she was exposed to fumes at work on February 3, 2005.[10]

Moreover, appellant did not specify such details as the extent and duration of exposure to the alleged employment factor.[11] Given that appellant was unable to identify the source or actual nature of the substance which she believed caused injury or the extent and duration to which she

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[5] *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).

[6] *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).

[7] *Elaine Pendleton*, *supra* note 3; 20 C.F.R. § 10.5(a)(14).

[8] *See supra* note 5 and accompanying text.

[9] A portion of appellant's claim form contains a May 20, 2005 statement in which Ms. Beckham, presumably a coworker, stated that when she arrived at work on February 3, 2005 she smelled a strong bleach-like smell. Ms. Beckham did not provide any more detail about the source or nature of this smell and it is unclear whether appellant attributes her claimed condition to such a substance.

[10] The record contains a portion of a grievance form which bears appellant's name but is not signed or dated. Handwriting on the form provides, "I suffered a severe headache and elevated blood pressure from the evacuation at the [post office]." However, this document does not further elucidate what specific employment factor or factors appellant believed caused her injury.

[11] *See generally Tracey P. Spillane*, 54 ECAB ___ (Docket No. 02-2190, issued June 12, 2003). In *Spillane*, the Board noted that the claimant made vague references to having a reaction to certain substances or objects, but she did not adequately specify the implicated employment factors or describe such details as the extent and duration of exposure to any given employment factors.

sustained exposure, she has not provided sufficient specific information to establish that she experienced an employment factor in the performance of duty. Appellant was provided an opportunity to perfect the factual aspect of her claim but she failed to do so.

The Board notes that there was no evidence that any dangerous substance was found at the employing establishment. The record is void of any evidence that appellant ingested, inhaled or in any manner came into direct physical contact with any dangerous substances while in the performance of duty. This case can, therefore, be distinguished from those in which the claimant is exposed to an unknown and potentially dangerous substance.[12] Under these circumstances, appellant's assertion that she was exposed to fumes from a parcel at work on February 3, 2005 must be considered vague and unsubstantiated and her claim is denied because she has not established that she actually experienced an employment incident at the time, place and in the manner alleged.[13]

CONCLUSION

The Board finds that appellant did not meet her burden of proof to establish that she sustained a hypertension or headache condition in the performance of duty on February 3, 2005.

ORDER

IT IS HEREBY ORDERED THAT the Office of Workers' Compensation Programs' July 11, 2005 decision is affirmed.

Issued: October 27, 2005
Washington, DC

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

David S. Gerson, Judge
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge
Employees' Compensation Appeals Board

[12] *See Judy C. Rogers*, 54 ECAB ___ (Docket No. 03-565, issued July 9, 2003).

[13] Appellant submitted additional evidence on appeal to the Board, but the Board cannot consider such evidence for the first time on appeal. *See* 20 C.F.R. § 501.2(c).