

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of ERIC A. TAYLOR and DEPARTMENT OF VETERANS AFFAIRS,  
WEST LOS ANGELES MEDICAL CENTER, Los Angeles, Calif.

*Docket No. 97-2062; Submitted on the Record;  
Issued April 5, 1999*

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DECISION and ORDER

Before MICHAEL J. WALSH, BRADLEY T. KNOTT,  
A. PETER KANJORSKI

The issue is whether appellant has established that he sustained a right wrist injury in the performance of duty on February 11, 1997.

On March 13, 1997 appellant filed a traumatic injury claim (Form CA-1) alleging that he sustained a cyst on the right wrist causally related to using his right hand in the performance of duty on February 11, 1997. By decision dated May 18, 1997, the Office of Workers' Compensation Programs denied the claim.

The Board has reviewed the record and finds that appellant has not established fact of injury in this case.

An employee seeking benefits under the Federal Employees' Compensation Act<sup>1</sup> has the burden of establishing that he or she sustained an injury while in the performance of duty.<sup>2</sup> In order to determine whether an employee actually sustained an 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 which must be considered in conjunction with one another. The first component to be established is that the employee actually experienced the employment incident which is alleged to have occurred. The second component is whether the employment incident caused a personal injury, and generally this can be established only by medical evidence.<sup>3</sup>

The Board notes the record indicates that appellant had filed an occupational disease claim (Form CA-2) for a right wrist cyst on July 19, 1996. In the May 12, 1997 decision, the

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

<sup>2</sup> *Melinda C. Epperly*, 45 ECAB 196, 198 (1993); *see also* 20 C.F.R. § 10.110(a).

<sup>3</sup> *See John J. Carlone*, 41 ECAB 354, 357 (1989).

Office advised appellant that he could also pursue his appeal rights with respect to that claim. On appeal to the Board, appellant has identified the OWCP File No. 13-1132935, which represents only the traumatic injury claim filed on March 13, 1997.<sup>4</sup>

As a traumatic injury claim, appellant must establish an injury causally related to use of his right hand in the performance of duty on February 11, 1997. In this case, the medical evidence submitted is not sufficient to establish a wrist injury in the performance of duty. A treatment note from the employing establishment dated January 30, 1997 diagnoses a ganglion cyst on the right wrist, and a note dated March 12, 1997 indicates that appellant underwent surgery on February 24, 1997. The record does not contain a reasoned opinion as to causal relationship between a right wrist cyst and employment activities on February 11, 1997. Appellant therefore did not meet his burden of proof and the Office properly denied his claim.

The decision of the Office of Workers' Compensation Programs dated May 18, 1997 is affirmed.

Dated, Washington, D.C.  
April 5, 1999

Michael J. Walsh  
Chairman

Bradley T. Knott  
Alternate Member

A. Peter Kanjorski  
Alternate Member

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<sup>4</sup> Appellant referred to a September 30, 1996 decision, which may refer to a decision from the occupational disease claim. That claim is not before the Board on this appeal.