

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of WES BALDWIN and DEPARTMENT OF THE AIR FORCE,  
McCLELLAN AIR FORCE BASE, Sacramento, Calif.

*Docket No. 97-2073; Submitted on the Record;  
Issued April 9, 1999*

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DECISION and ORDER

Before GEORGE E. RIVERS, MICHAEL E. GROOM,  
A. PETER KANJORSKI

The issue is whether appellant established that he sustained an injury in the performance of duty.

The Board has carefully reviewed the record of evidence and finds that appellant has failed to meet his burden of proof in establishing that he sustained an injury in the performance of duty.

An employee seeking benefits under Federal Employees' Compensation Act<sup>1</sup> 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 filed within the applicable time limitation of the Act, that an injury was sustained in the performance of duty as alleged, and that any disability or specific condition for which compensation is claimed is causally related to the employment injury.<sup>2</sup> These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or occupational disease.<sup>3</sup>

In an occupational disease claim such as this, claimant must submit: (1) medical evidence establishing the existence of the disease or condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the disease; and (3) medical evidence establishing that the employment factors

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<sup>1</sup> 5 U.S.C. §§ 8101-8193 (1974).

<sup>2</sup> *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

<sup>3</sup> *Daniel J. Overfield*, 42 ECAB 718, 721 (1991).

were the proximate cause of the disease or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by claimant.<sup>4</sup>

The medical evidence required is generally rationalized medical opinion evidence which includes a physician's opinion of reasonable medical certainty based on a complete factual and medical background of the claimant and supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by claimant.<sup>5</sup>

Appellant, a former electrical repairmen, indicated on his February 1, 1993 claim that alcoholism, high blood pressure, and stress resulted from his working conditions when he was placed on light duty following an off-duty injury to his hand on February 4, 1990. Appellant, who was terminated on March 16, 1990, stated that he became aware of these conditions on February 7, 1990.<sup>6</sup>

By letter dated July 27, 1993, the Office informed appellant of the information and medical evidence needed to determine whether he was eligible for compensation. Subsequently, the Office received medical records detailing appellant's treatment for a broken right hand on February 5, 1990 and other problems.

Following remand from the Board, the Office found that appellant's claim was timely filed. On May 13, 1997 the Office denied appellant's claim for disability compensation from March 16, 1990 to the present.

The Board finds that appellant has failed to meet his burden of proof in establishing that his alcoholism, stress and high blood pressure were caused in the performance of duty. Nowhere in the record is there any medical evidence regarding the conditions appellant claimed as resulting from his employment. There is no medical diagnosis of either stress, alcoholism, or high blood pressure.

The medical evidence pertains to appellant's fractured hand, which was not work related but occurred in an argument with a friend. Appellant was referred several times to the employing establishment's social action program after his supervisor and co-workers detected the smell of alcohol on his breath, but the record contains no medical report diagnosing appellant with substance abuse.

Appellant claimed that being unable to perform his normal duties because of his hand resulted in high blood pressure, but the chart notes he submitted in support of his claim contain

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<sup>4</sup> *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

<sup>5</sup> *Id.*

<sup>6</sup> This case has previously been before the Board. Docket No. 95-1201. On February 21, 1997 the Board remanded the case for the Office to determine whether appellant's claim was timely filed. The Office stated in its May 13, 1997 decision that the claim was filed within three years of the injury, as required by section 8122(a) of the Act.

nothing except the blood pressure measurements done when he visited the clinic and a report from appellant that his physician told him his blood pressure was high.

Further, appellant generally alleged stress at work and stated that his supervisor harassed him and exhibited a hostile attitude toward him, which caused him to start drinking heavily, but failed to identify any specific work factors as the cause of his claimed conditions.

Although the Office explained to appellant why the medical evidence in support of his claim was deficient, he failed to provide the necessary medical evidence to establish that he

sustained an injury in the performance of duty. Therefore, the Board finds that the Office properly denied his claim.<sup>7</sup>

The May 13, 1997 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, D.C.  
April 9, 1999

George E. Rivers  
Member

Michael E. Groom  
Alternate Member

A. Peter Kanjorski  
Alternate Member

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<sup>7</sup> Every injury does not necessarily cause disability for employment. *Donald Johnson*, 44 ECAB 540, 551 (1993) Whether a particular injury causes disability for employment is a medical issue which must be resolved by competent medical evidence. *Debra A. Kirk-Littleton*, 41 ECAB 703, 706 (1990).