

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of BARBARA A. REUKEMA and DEPARTMENT OF COMMERCE,
BUREAU OF THE CENSUS, Monrovia, CA

*Docket No. 00-2794; Submitted on the Record;
Issued December 20, 2001*

DECISION and ORDER

Before WILLIE T.C. THOMAS, BRADLEY T. KNOTT,
PRISCILLA ANNE SCHWAB

The issue is whether appellant has sustained an injury while in the performance of duty.

On April 26, 2000 appellant, then a 54-year-old census enumerator, filed a traumatic injury claim alleging that on April 25, 2000 her left arm and back were bruised when a large dog jumped on her.

By letter dated July 20, 2000, the Office of Workers' Compensation Programs advised appellant that additional factual and medical evidence were required to determine whether she was eligible for compensation benefits. The Office asked appellant to submit a comprehensive medical report from her treating physician indicating a diagnosis of the condition and the medical reasons for her condition, and an opinion on whether her claimed condition was causally related to her federal employment. The Office requested that appellant submit the additional evidence within 30 days.

In July 22 and 29, 2000 statements, appellant detailed how her injury occurred and indicated that she did not see a doctor because she was unemployed and had no medical benefits. Appellant did not submit any additional evidence besides her statements.

By decision dated August 21, 2000, the Office denied appellant's claim on the basis that fact of injury had not been established.

The Board finds that appellant failed to meet her burden of proof to establish that she sustained an injury while in the performance of duty.

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

¹ 5 U.S.C. §§ 8101-8193.

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 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 an employee satisfied his or her burden of proof, the Office first considers whether the employment incident occurred at the time, place and in the manner alleged.⁴ Second, the Office must determine whether there is a causal relationship between the employment incident and the disability and/or condition for which compensation is claimed.⁵ An employee may satisfy the burden of proof establishing that the employment incident occurred as alleged, but fail to show that his or her disability and/or condition is related to that incident. Medical evidence is required to establish the requisite causal relationship.

In this case, appellant submitted no medical evidence to support her claim of a personal injury to her left arm and back on April 25, 2000. The Office informed appellant of this deficiency in its July 20, 2000 letter requesting medical and factual evidence and allowed her 30 days to respond. Because appellant did not submit medical evidence, she failed to meet her burden of proof establishing that she sustained an injury while in the performance of duty on April 25, 2000. Therefore, the Office properly denied her claim.

The August 21, 2000 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
December 20, 2001

Willie T.C. Thomas
Member

Bradley T. Knott
Alternate Member

Priscilla Anne Schwab
Alternate Member

² *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

³ *David M. Ibarra*, 48 ECAB 218 (1996).

⁴ *Shirley A. Temple*, 48 ECAB 404, 407 (1997); *Elaine Pendleton*, *supra* note 2 at 1145.

⁵ *See Elaine Pendleton*, *supra* note 2 at 1147.