

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of CARL R. SEUFFERT and U.S. POSTAL SERVICE,  
POST OFFICE, Philadelphia, PA

*Docket No. 02-1611; Submitted on the Record;  
Issued October 24, 2002*

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DECISION and ORDER

Before MICHAEL J. WALSH, ALEC J. KOROMILAS,  
WILLIE T.C. THOMAS

The issue is whether appellant has established that he sustained a left finger laceration in the performance of duty.

On March 13, 2002 appellant, born May 5, 1945, filed a traumatic injury claim, alleging that on July 21, 2001 he sustained a laceration on his left index finger while performing his duties as a letter carrier. He did not stop work.

On April 9, 2002 the Office of Workers' Compensation Programs advised appellant that the information submitted was insufficient to establish the claim. The Office requested additional documentation including medical evidence outlining the dates of examination; history of injury given to the physician; a description of findings and diagnosis and medical rationale as to the causal relationship between the diagnosed condition and the injury as reported. Appellant was afforded 30 days to submit such evidence. No such evidence was received within the allotted time frame.

By decision dated May 10, 2002, the Office denied appellant's claim on the grounds that the evidence was not sufficient to meet the guidelines for establishing that he sustained an injury on July 21, 2001 as required by the Federal Employees' Compensation Act.<sup>1</sup>

The Board finds that appellant has failed to meet his burden of proof in establishing that he sustained a left finger laceration in the performance of duty.

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<sup>1</sup> The record contains additional evidence which was not before the Office at the time it issued its May 10, 2002 decision. The Board has no jurisdiction to review this evidence for the first time on appeal; *see* 20 C.F.R. § 501.2(c); *Robert D. Clark*, 48 ECAB 422, 428 (1997).

An employee seeking benefits under the Act<sup>2</sup> has the burden of proof to establish the essential elements of his claim.<sup>3</sup> When an employee claims that he sustained an injury in the performance of duty, he must submit sufficient evidence to establish that he experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. He must also establish that such event, incident or exposure caused an injury.<sup>4</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 can be established only by medical evidence.<sup>5</sup>

To establish a causal relationship between the condition as well as any attendant disability claimed and the employment event or incident, the employee must submit rationalized medical opinion evidence based on a complete factual and medical background supporting such a causal relationship.<sup>6</sup>

Rationalized medical opinion evidence is medical evidence which includes a physician’s rationalized opinion on the issue of whether there is a causal relationship between the claimant’s diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant, must be one of reasonable medical certainty and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant. The weight of the medical evidence is determined by its reliability, its probative value, its convincing quality, the care of analysis manifested and the medical rationale expressed in support of the physician’s opinion.<sup>7</sup>

In this case, the Office accepted that appellant actually experienced the claimed event alleged to have occurred. However, he did not submit any medical evidence to support that the claimed event was caused by specified factors of his federal employment. Appellant did not submit any evidence in support of his claim beyond the claim form alleging a traumatic injury, despite the Office’s April 9, 2002 request for additional documentation. As he failed to submit

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<sup>2</sup> 5 U.S.C. §§ 8101-8193.

<sup>3</sup> See *Margaret A. Donnelley*, 15 ECAB 40 (1963).

<sup>4</sup> See generally *John J. Carlone*, 41 ECAB 354 (1989); see also 5 U.S.C. § 8101(5) (“injury” defined); 20 C.F.R. §§ 10.5(a)(15), 10.5(a)(16) (“traumatic injury” and “occupational disease or illness” defined); see *Margaret A. Donnelley*, *supra* note 3.

<sup>5</sup> *John J. Carlone*, *supra* note 4.

<sup>6</sup> See 20 C.F.R. § 10.110(a); *John M. Tornello*, 35 ECAB 234 (1983).

<sup>7</sup> *James Mack*, 43 ECAB 321 (1991).

the necessary medical opinion evidence, he failed to meet his burden of proof and the Office properly denied his claim.

The decision of the Office of Workers' Compensation Programs dated May 10, 2002 is affirmed.

Dated, Washington, DC  
October 24, 2002

Michael J. Walsh  
Chairman

Alec J. Koromilas  
Member

Willie T.C. Thomas  
Alternate Member