United States Department of Labor
Employees' Compensation Appeals Board

C.Y., Appellant	)	
and	)	**Docket No. 07-160**
	)	**Issued: March 9, 2007**
DEPARTMENT OF COMMERCE, CENSUS BUREAU, Atlanta, GA, Employer	)	

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:
ALEC J. KOROMILAS, Chief Judge
MICHAEL E. GROOM, Alternate Judge
JAMES A. HAYNES, Alternate Judge

JURISDICTION

On October 23, 2006 appellant filed a timely appeal from a February 21, 2006 Office of Workers' Compensation Programs' decision, denying her claim for an injury on December 5, 2005. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

ISSUE

The issue is whether appellant sustained an injury on December 5, 2005 in the performance of duty.

FACTUAL HISTORY

On December 12, 2005 appellant, then a 26-year-old survey statistician supervisor, filed a traumatic injury claim alleging that she injured her back and left shoulder on December 5, 2005 when the vehicle in which she was riding was struck from behind by another motor vehicle.

On January 5, 2006 the Office requested additional evidence, including medical evidence containing a diagnosis and an explanation as to how the diagnosed condition was causally related to the December 5, 2005 work incident. No further evidence was submitted at that time.

By decision dated February 21, 2006, the Office denied appellant's claim on the grounds that the evidence failed to establish that she sustained an injury on December 5, 2005 in the performance of duty.

LEGAL PRECEDENT

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 employment incident at the time, place and in the manner alleged.[1] Second, the employee must submit medical evidence to establish that the employment incident caused a personal injury.[2] An employee may establish that the employment incident occurred as alleged but fail to show that her disability or condition relates to the employment incident.

To establish a causal relationship between an employee's condition and any attendant disability claimed and the employment event or incident, she must submit rationalized medical opinion evidence based on a complete factual and medical background supporting such a causal relationship. Rationalized medical opinion evidence is medical evidence which includes a physician's opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment incident. 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 incident identified by the employee.[3]

ANALYSIS

The Board finds that the evidence is insufficient to establish that appellant sustained an injury on December 5, 2005 in the performance of duty.

Appellant alleged that on December 5, 2005 she injured her back and left shoulder due to a motor vehicle accident. However, there is no medical evidence of record establishing that she sustained a specific injury as a result of the December 5, 2005 accident. Appellant has failed to establish a *prima facie* claim for compensation. Therefore, the Office properly denied her claim.

[1] *Steven S. Saleh*, 55 ECAB 169 (2003); *John J. Carlone*, 41 ECAB 354 (1989).

[2] *Shirley A. Temple*, 48 ECAB 404 (1997).

[3] *Gary J. Watling*, 52 ECAB 278 (2001); *Shirley A. Temple*, *supra* note 2.

CONCLUSION

The Board finds that appellant failed to establish that she sustained an injury on December 5, 2005 in the performance of duty.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated February 21, 2006 is affirmed.

Issued: March 9, 2007
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

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

James A. Haynes, Alternate Judge
Employees' Compensation Appeals Board