



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.<sup>1</sup> Second, the employee must submit medical evidence to establish that the employment incident caused a personal injury.<sup>2</sup> 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.<sup>3</sup>

### **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.

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<sup>1</sup> *Steven S. Saleh*, 55 ECAB 169 (2003); *John J. Carlone*, 41 ECAB 354 (1989).

<sup>2</sup> *Shirley A. Temple*, 48 ECAB 404 (1997).

<sup>3</sup> *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