



May 13, 2013. On the same form, his supervisor checked “yes” boxes indicating that the claimed injury was caused by a third party and that it occurred in the performance of duty. In an accompanying statement, appellant indicated that he was delivering mail in an apartment complex when “two males came up and robbed me at gunpoint and took my box keys and cell phone and told me to sit down....” He stated that the two men ran off and that he ran to a nearby apartment to call the police. Appellant did not submit any medical evidence.

In a May 31, 2013 letter, OWCP requested that appellant submit additional factual and medical evidence in support of his claim. It asked him to provide additional details of the nature of the claimed injury. OWCP requested medical evidence supporting the claimed injury and to complete a questionnaire which asked such questions as whether the May 11, 2013 incident was witnessed or whether a police report was completed. Appellant was asked to submit any existing witness statements or police reports.

Appellant did not submit any medical evidence after OWCP’s request. In a continuation of pay nurse report, a nurse advised that there were no medical reports in the record and that “the likely diagnosis would be related to traumatic stress.” The report did not provide any statement from appellant regarding the nature of the claimed injury.

Appellant completed the questionnaire regarding the May 11, 2013 incident noting that there were “no statements or persons that witnessed it.” He advised that a police report was produced for the May 11, 2013 robbery, but that he was not given a copy.

In a July 8, 2013 decision, OWCP denied appellant’s claim for a May 11, 2013 work injury. Regarding the reason for the denial, it stated:

“You have established that you are a federal civilian employee, who filed a timely claim and the evidence supports that the injury and/or event(s) occurred as described; however, your claim for compensation is denied because the medical component of the third basic element, Fact of Injury, has not been met. Specifically, your case is denied because you did not submit any medical evidence containing a medical diagnosis in connection with the claimed May 11, 2013 injury event.”

### **LEGAL PRECEDENT**

An employee seeking benefits under FECA 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 FECA, that the claim was timely filed within the applicable time limitation period of FECA, 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.<sup>2</sup> These are the essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.<sup>3</sup>

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 he or she actually experienced the employment incident at the time, place and in the manner alleged.<sup>4</sup> Second, the employee must submit evidence, in the form of medical evidence, to establish that the employment incident caused a personal injury.<sup>5</sup> Causal relationship is a medical issue and the medical evidence generally required to establish causal relationship is rationalized medical opinion evidence. 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.<sup>6</sup>

### ANALYSIS

The Board finds that appellant has not established that he sustained an injury in the performance of duty on May 11, 2013. Appellant filed a traumatic injury claim alleging that he sustained injury that day when he was robbed at gunpoint while on his mail delivery route. Regarding the nature of the injury, he stated, "Traumatic." Despite being provided an opportunity to provide additional detail, appellant did not submit any further description of the nature of the injury he was alleging. He did not provide any clear indication whether his claimed injury was physical or emotional in nature. OWCP accepted the occurrence of the May 11, 2013 incident as alleged, but appellant has not submitted any medical evidence which would serve to clarify the nature of the injury he is claiming as occurring on May 11, 2013 or an opinion on the causal relationship between the May 11, 2013 incident and any specific, diagnosed medical condition.

In the absence of the submission of such factual and medical evidence, appellant has not established an injury in the performance of duty on May 11, 2013 and his claim must be denied on these grounds.

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

<sup>3</sup> *Delores C. Ellyett*, 41 ECAB 992, 998-99 (1990); *Ruthie M. Evans*, 41 ECAB 416, 423-27 (1990). A traumatic injury refers to injury caused by a specific event or incident or series of incidents occurring within a single workday or work shift whereas an occupational disease refers to an injury produced by employment factors which occur or are present over a period longer than a single workday or work shift. 20 C.F.R. § 10.5(q), (ee); *Brady L. Fowler*, 44 ECAB 343, 351 (1992).

<sup>4</sup> *Julie B. Hawkins*, 38 ECAB 393, 396 (1987); see Federal (FECA) Procedure Manual, Part 2 -- Claims, *Fact of Injury*, Chapter 2.803.2a (June 1995).

<sup>5</sup> *John J. Carlone*, 41 ECAB 354, 356-57 (1989); see Federal (FECA) Procedure Manual, *supra* note 4.

<sup>6</sup> See *Donna Faye Cardwell*, 41 ECAB 730, 741-42 (1990).

Appellant may submit new evidence or argument with a written request for reconsideration to OWCP within one year of this merit decision, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. §§ 10.605 through 10.607.

**CONCLUSION**

The Board finds that appellant did not meet his burden of proof to establish that he sustained an injury in the performance of duty on May 11, 2013.

**ORDER**

**IT IS HEREBY ORDERED THAT** the July 8, 2013 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: January 23, 2014  
Washington, DC

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

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

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