

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JOANN YOUNG and DEPARTMENT OF THE ARMY,
Fort Sill, Okla.

*Docket No. 96-1569; Submitted on the Record;
Issued April 9, 1998*

DECISION and ORDER

Before GEORGE E. RIVERS, DAVID S. GERSON,
BRADLEY T. KNOTT

The issue is whether appellant has met her burden of proof in establishing that she sustained frostbite in her right hand within the performance of duty.

On January 26, 1996 appellant, then a 43-year-old social service worker, filed a traumatic injury claim, alleging that she sustained frostbite in her right hand after being exposed to cold temperatures in her office on January 18 to 19, 1996. On the claim form, the employing establishment indicated that appellant was placed in a space when it did not have an immediate permanent office available and was offered a heater. She was moved to a warmer office on January 24, 1996. In a decision dated March 22, 1996, the Office of Workers' Compensation Programs denied appellant's claim on the grounds that, although the exposure occurred at the time, place and in the manner alleged, there was no medical evidence that established that she sustained an injury as alleged.

The Board has carefully reviewed the entire case record and finds that appellant has not established that she sustained an injury as alleged.

A person who claims benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of her claim, including that she sustained an injury while in the performance of duty and that she had disability as a result.² In accordance with the Federal (FECA) Procedure Manual, in order to determine whether an employee actually sustained an injury in the performance of her duty, the Office begins with the analysis of whether "fact of injury" has been established. Generally, "fact of injury" consists of two components which must be considered one in conjunction with the other. The first component to be established is that the employee actually experienced the employment incident or exposure

¹ 5 U.S.C. §§ 8101-8193.

² *Daniel R. Hickman*, 34 ECAB 1220 (1983); see 20 C.F.R. § 10.110(a).

which is alleged to have occurred.³ In order to meet her burden of proof to establish the fact that she sustained an injury in the performance of duty, an employee must submit sufficient evidence to establish that she actually experienced the employment injury or exposure at the time, place and in the manner alleged. The second component is whether the employment incident caused a personal injury and generally can be established only by medical evidence.⁴ The evidence required to establish causal relationship is rationalized medical opinion evidence, based upon complete factual and medical background, showing a causal relationship between the claimed condition and the identified factors.⁵ The belief of claimant that a condition was caused or aggravated by the employment is not sufficient to establish a causal relationship.⁶

In the present case, the Office found that appellant had established exposure to cold conditions at the time, place and in the manner alleged. Therefore, appellant has established the first component of fact of injury. However, she has not presented a rationalized medical evidence which establishes that she sustained an injury related to the identified factors. Appellant submitted a form report by Dr. J.B. Graves, who found “hyperemur” fingertips with some patches of hemorrhage and diagnosed “?frostbite.” In response to the question of the relationship of the diagnosed condition to the employment activity, Dr. Graves wrote “unknown.” There is no other medical evidence of record, and the report by Dr. Graves does not indicate that appellant’s condition was related to factors of her federal employment or the identified exposure. Although appellant was notified by the Office of the deficiencies in the medical evidence submitted in relation to her claim, she did not submit any additional medical evidence. Appellant has not met her burden of proof to establish that her claimed condition of frostbite was sustained as alleged.

³ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Fact of Injury*, Chapter 3.803.2(a) (September 1980).

⁴ *John C. Carlone*, 41 ECAB 354 (1989); see 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” defined).

⁵ *Lourdes Harris*, 45 ECAB 545 (1994); see *Walter D. Morehead*, 31 ECAB 188 (1979).

⁶ *Manuel Garcia*, 37 ECAB 767 (1986).

The decision of the Office of Workers' Compensation Programs dated March 22, 1996 is hereby affirmed.

Dated, Washington, D.C.
April 9, 1998

George E. Rivers
Member

David S. Gerson
Member

Bradley T. Knott
Alternate Member