

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DAN ROUSSEAU and DEPARTMENT OF JUSTICE,
DRUG ENFORCEMENT AGENCY, Indianapolis, Ind.

*Docket No. 97-2039; Submitted on the Record;
Issued March 1, 1999*

DECISION and ORDER

Before GEORGE E. RIVERS, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant has established that he sustained an injury in the performance of duty.

On March 11, 1997 appellant, then a 31-year-old special agent, was a passenger in a government vehicle when it hit a tree. Appellant was holding a door ram at the time of the accident and his right thumb was bent backward while holding the ram. He filed a claim for possible torn ligaments or severe sprain of the right thumb. In an April 1, 1997 letter, the Office of Workers' Compensation Programs informed appellant that he had 30 days to submit a medical report in support of his claim. In a May 5, 1997 decision, the Office rejected appellant's claim on the grounds that, while he had established that he had experienced the automobile accident, he had not submitted medical evidence to show that he had a condition diagnosed in connection with the accident.

The Board finds that appellant has not established that he was injured in the performance of duty.

A person who claims benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of his claim. Appellant has the burden of establishing by reliable, probative and substantial evidence that his medical condition was causally related to a specific employment incident or to specific conditions of employment.² As part of such burden of proof, rationalized medical opinion evidence showing causal relation must be submitted.³ The mere fact that a condition manifests itself or worsens during a period of

¹ 5 U.S.C. §§ 8101-8193.

² *Margaret A. Donnelly*, 15 ECAB 40, 43 (1963).

³ *Daniel R. Hickman*, 34 ECAB 1220, 1223 (1983).

employment does not raise an inference of causal relationship between the condition and the employment.⁴ Such a relationship must be shown by rationalized medical evidence of causal relation based upon a specific and accurate history of employment incidents or conditions which are alleged to have caused or exacerbated a disability.⁵ In this case, while appellant has shown that an incident occurred, he did not submit medical evidence that established that he had sustained a thumb condition due to the employment incident. He therefore has not met his burden of proof in establishing that he had an injury in the performance of duty.

The decision of the Office of Workers' Compensation Programs, dated May 5, 1997, is hereby affirmed.

Dated, Washington, D.C.
March 1, 1999

George E. Rivers
Member

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member

⁴ *Juanita C. Rogers*, 34 ECAB 544, 546 (1983).

⁵ *Edgar L. Colley*, 34 ECAB 1691, 1696 (1983).