

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ALTHEA TROUTMAN and U.S. POSTAL SERVICE,
POST OFFICE, Trenton, N.J.

*Docket No. 97-2639; Submitted on the Record;
Issued May 19, 1999*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
A. PETER KANJORSKI

The issue is whether appellant sustained an injury in the performance of duty on March 25, 1996.

On April 25, 1996 appellant, then a 29-year-old postal clerk, filed a notice of traumatic injury alleging that she injured her left hand on March 25, 1996 when she lifted a tub of second class flats in the performance of her federal employment.

On April 17, 1996 Dr. John Bingham, a general surgeon, diagnosed a volar left ganglion cyst. Dr. Bingham indicated that appellant noted that problem two to three years prior.

On June 10, 1996 Dr. Uday Kunte, a Board-certified surgeon, diagnosed a nodular mass on appellant's left wrist. Dr. Kunte indicated that appellant needed surgery to remove a ganglion cyst on her left wrist.

On July 8, 1996 the Office requested additional information including a physician's opinion supported by medical explanation as to how the reported work incident caused or aggravated the claimed injury. Appellant was given 30 days to respond.

By decision dated March 6, 1997, that Office denied appellant's claim inasmuch as she failed to establish fact of injury.

The Board finds that appellant failed to meet her burden of proof to establish that she sustained an injury in the performance of duty on March 25, 1996.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of his or her claim² including the fact that the individual is an "employee of the United States" within the meaning of the Act,³ that the claim was timely filed within the applicable time limitation period of the Act,⁴ 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.⁵ These are the essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁶

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it must first be determined whether a "fact of injury" has been established. First, the employee must submit evidence to establish that he or she actually experienced the employment incident at the time, place and in the manner alleged.⁷ Second, the employee must submit sufficient evidence, generally only in the form of medical evidence, to establish that the employment incident caused a personal injury.⁸

In the instant case, there is no dispute that appellant was an "employee" within the meaning of the Act, nor that appellant timely filed her claim for compensation. Nevertheless, a person who claims benefits for a work-related condition has the burden of establishing by the weight of the medical evidence a firm diagnosis of the condition claimed and a causal relationship between that condition and factors of federal employment.⁹ In this case, appellant failed to submit any medical evidence addressing whether her injury was related to the March 25, 1996 alleged work incident. The Office advised appellant of the deficiency in the medical evidence, but appellant failed to submit rationalized medical opinion evidence addressing the issue. Appellant, therefore, failed to meet her burden of proof.

¹ 5 U.S.C. §§ 8101-8193.

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

³ See *James A. Lynch*, 32 ECAB 216 (1980); see also 5 U.S.C. § 8101(1).

⁴ 5 U.S.C. § 8122.

⁵ See *Melinda C. Epperly*, 45 ECAB 196 (1993).

⁶ See *Delores C. Ellyett*, 41 ECAB 992 (1990); *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁷ *John J. Carlone*, 41 ECAB 354 (1989).

⁸ *Id.*

⁹ *Patricia Bolleter*, 40 ECAB 373 (1988).

The decision of the Office of Workers' Compensation Programs dated March 6, 1997 is affirmed.

Dated, Washington, D.C.
May 19, 1999

Michael J. Walsh
Chairman

David S. Gerson
Member

A. Peter Kanjorski
Alternate Member