

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of WALTER NUNLEY and DEPARTMENT OF THE INTERIOR,
BUREAU OF LAND MANAGEMENT, Moab, UT

*Docket No. 98-701; Submitted on the Record;
Issued September 16, 1999*

DECISION and ORDER

Before MICHAEL J. WALSH, BRADLEY T. KNOTT,
A. PETER KANJORSKI

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

Appellant filed a claim for “emotional conditions.”¹ By letter dated August 5, 1997, the Office of Workers' Compensation Programs advised appellant that it needed further information regarding his claim, including a detailed description of the employment conditions or incidents to which he attributed his condition and “a comprehensive medical report from your treating physician which describes your symptoms; results of examinations and test; diagnosis; the treatment provided; the effect of treatment; and the doctor's opinion, with medical reasons, on the cause of your condition.” Appellant submitted a September 22, 1997 letter describing specific incidents to which he attributed his depression. He did not submit any medical evidence.

By decision dated October 27, 1997, the Office found that appellant had not met the requirements for establishing that he sustained an injury as alleged, as he had not submitted any medical evidence to support a medical condition or relate it to employment events.

An employee seeking benefits under the Federal Employees' Compensation Act 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 the Act, that the claim was timely filed within the applicable time limitation period of the Act, that an injury was sustained in the performance of duty as alleged and that any disability or specific condition for which compensation is claimed is causally related to the employment injury. To establish that he has sustained an emotional condition causally related to factors of his federal employment, appellant must submit: (1) factual evidence identifying and supporting employment factors or incidents alleged to have caused or contributed to his conditions; (2) rationalized medical

¹ The date of this claim is unclear, as appellant did not sign or date it.

evidence establishing that he has an emotional condition or psychiatric disorder; and (3) rationalized medical opinion evidence establishing that his emotional condition is causally related to the identified compensable employment factors.²

The Board finds that appellant has not established that he sustained an emotional condition in the performance of duty.

Appellant has not submitted any medical evidence in support of his claim for an emotional condition, despite being advised by the Office of the necessity of submitting such evidence. He therefore has not established one of the essential elements of a *prima facie* case and the Office properly denied his claim.³

The decision of the Office of Workers' Compensation Programs dated October 27, 1997 is affirmed.

Dated, Washington, D.C.
September 16, 1999

Michael J. Walsh
Chairman

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member

² *Carolyn R. Banks*, 47 ECAB 449 (1996).

³ See Federal (FECA) Procedure Manual, Part 2 -- Claims, *Development of Claims*, Chapter 2.800.2 and 3 (April 1993) for a discussion of the evidence needed to establish a *prima facie* case.