

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CHARLES J. CACCIOPPO and U.S. POSTAL SERVICE,
POST OFFICE, Mid Florida, FL

*Docket No. 99-449; Submitted on the Record;
Issued April 19, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
WILLIE T.C. THOMAS

The issue is whether appellant sustained an injury in the performance of duty on March 29, 1996.

The Board has given careful consideration to the issue involved, appellant's contentions on appeal and the entire case record. The Board finds that the decision of the hearing representative of the Office of Workers' Compensation Programs dated September 2, 1998 and finalized on September 4, 1998, is in accordance with the facts and the law in this case, and hereby adopts the findings and conclusions of the Office hearing representative.¹

¹ In order to determine whether an employee actually sustained an injury in the performance of duty, the Office begins with an analysis of whether fact of injury has been established. Generally, fact of injury consists of two components that must be considered in conjunction with one another. The first component to be established is that the employee actually experienced the employment incident that is alleged to have occurred. *Elaine Pendleton*, 40 ECAB 1143 (1989). The second component is whether the employment incident caused a personal injury. This latter component generally can be established only by medical evidence. *See* 20 C.F.R. § 10.110(a); *John M. Tornello*, 35 ECAB 234 (1983). In the instant case, appellant has failed to meet his burden of demonstrating that the March 29, 1996 employment incident resulted in a personal injury.

The decision of the Office of Workers' Compensation Programs dated September 2, 1998 and finalized on September 4, 1998 is hereby affirmed.

Dated, Washington, D.C.
April 19, 2000

Michael J. Walsh
Chairman

David S. Gerson
Member

Willie T.C. Thomas
Alternate Member