U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MICHAEL J. WADDELL and U.S. POSTAL SERVICE
POST OFFICE, Atlanta, GA

Docket No. 99-670; Submitted on the Record;
Issued June 8, 2000

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
WILLIE T.C. THOMAS

The issue is whether appellant sustained an injury in the performance of duty.

On April 27, 1998 appellant, then a 27-year-old city carrier filed a notice of traumatic injury alleging that on December 23, 1997 at 5:00 p.m. he was in a "traffic accident while turning in to delivery. Car hit LLV carrier was riding in from behind." Appellant alleged that he sustained a bump to the right forehead. Appellant did not stop work.

By letter dated May 5, 1998, the Office of Workers' Compensation Programs requested that appellant submit medical evidence explaining how the reported employment incident caused the claimed injury.

In a decision dated June 10, 1998, the Office denied appellant's claim for failure to establish a fact of injury. The Office found that the claimed event, incident or exposure occurred at the time, place and in the manner alleged. However, the Office found a medical condition resulting from the accepted incident was not supported by medical evidence.

The Board finds that appellant failed to establish that he sustained an injury in the performance of duty as alleged.

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 filed within the applicable time limitation of the Act, 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."[1] These are the essential

[1] *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or occupational disease.[2]

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 which must be considered in conjunction with one another.

The first component to be established is that the employee actually experienced the employment incident which is alleged to have occurred.[3] In some traumatic injury cases this component can be established by an employee's uncontroverted statement on the Form CA-1.[4] An alleged work incident does not have to be confirmed by eyewitnesses in order to establish that an employee sustained an injury in the performance of duty, but the employee's statement must be consistent with the surrounding facts and circumstances and his subsequent course of action.[5] A consistent history of the injury as reported on medical reports, to the claimant's supervisor and on the notice of injury can also be evidence of the occurrence of the incident.[6]

The second component is whether the employment incident caused a personal injury and generally can be established only by medical evidence. To establish a causal relationship between the condition, as well as any attendant disability, claimed and the employment event or incident, the employee must submit rationalized medical opinion evidence, based on a complete factual and medical background, supporting such a causal relationship.[7]

Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant, must be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant. The weight of medical evidence is determined by its reliability, its probative value, its convincing quality, the care of analysis manifested and the medical rationale expressed in support of the physician's opinion.[8]

In this case, the Office found that appellant met the first component and agreed that the employee actually experienced an employment incident as alleged. However, appellant did not

[2] *Daniel J. Overfield*, 42 ECAB 718, 721 (1991).

[3] *Elaine Pendleton, supra* note 1.

[4] *John J. Carlone*, 41 ECAB 354 (1989).

[5] *Rex A. Lenk*, 35 ECAB 253, 255 (1983).

[6] *Id.* at 255-56.

[7] *See* 20 C.F.R. § 10.110(a); *John M. Tornello*, 35 ECAB 234 (1983).

[8] *James Mack*, 43 ECAB 321 (1991).

satisfy the elements of the second component as he failed to submit any medical reports and thus failed to meet his burden of proof. The Office found that the evidence of record was not sufficient because there is no medical evidence that appellant was treated on December 23, 1997 at a hospital, emergency facility by his treating physician or a diagnosis made causally relating any injury allegedly sustained to the automobile accident. Consequently, appellant has not established his claim as he has submitted no medical evidence supporting that the December 23, 1997 incident caused or aggravated an injury.[9]

The decision of the Office of Workers' Compensation Programs dated June 10, 1998 is hereby affirmed.

Dated, Washington, D.C.
June 8, 2000

Michael J. Walsh
Chairman

George E. Rivers
Member

Willie T.C. Thomas
Alternate Member

[9] Following issuance of the Office's June 10, 1998 decision, the appellant submitted additional evidence. However, the Board may not consider such evidence for the first time on appeal; *see* 20 C.F.R. § 501.2(c).