

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of TED L. CHAPMAN and DEPARTMENT OF JUSTICE,  
DRUG ENFORCEMENT ADMINISTRATION, Dallas, TX

*Docket No. 99-357; Submitted on the Record;  
Issued March 23, 2000*

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DECISION and ORDER

Before GEORGE E. RIVERS, DAVID S. GERSON,  
BRADLEY T. KNOTT

The issue is whether appellant met his burden of proof to establish that he sustained an injury in the performance of duty on December 30, 1997, as alleged.

On January 5, 1998 appellant, then a 33-year-old forensic chemist, filed a traumatic injury claim (Form CA-1), alleging that on December 30, 1997 he sustained an injury in the form of pain in his lower back. Appellant alleged that, after lifting boxes in a laboratory, he experienced immediate pain in his lower back and indicated that he may have "a pinched nerve." On the reverse side of the claim form, appellant's supervisor noted that appellant received treatment on January 2, 1998 from Dr. Smith, a chiropractor. However, appellant failed to submit evidence from Dr. Smith supporting his claim. Appellant did not stop work.

By letter dated September 8, 1998, the Office of Workers' Compensation Programs informed appellant that the evidence submitted to support his claim was insufficient because it did not establish fact of injury. The Office requested additional information from appellant and allowed him 20 days to respond.

Appellant did not respond within the time allotted.

By decision dated October 8, 1998, the Office denied appellant's claim for compensation on the grounds that he failed to establish fact of injury. The Office accepted that the incident occurred as alleged, but found that the evidence did not establish the existence of a condition diagnosed in connection with the employment incident. Therefore, the Office did not find an injury within the meaning of the Federal Employees' Compensation Act.<sup>1</sup>

The Board finds that appellant did not meet his burden of proof to establish that he sustained an injury in the performance of duty on December 30, 1997, as alleged.

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

An employee seeking benefits under the Act<sup>2</sup> 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 established in 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.<sup>3</sup>

To determine whether an employee satisfied his or her burden of proof, the Office first considers whether the employment incident occurred at the time, place and in the manner alleged.<sup>4</sup> Second, the Office must determine whether there is a causal relationship between the employment incident and the disability and/or condition for which compensation is claimed.<sup>5</sup> An employee may satisfy the burden of proof establishing that the employment incident occurred as alleged, but fail to show that his or her disability and/or condition is related to that incident.

In its October 8, 1998 decision, the Office accepted that the employment incident occurred on December 30, 1997, as alleged. The remaining issue is whether the alleged injury was caused by the employment incident. The causal relationship between the incident and the alleged disability and/or condition is generally established only by medical evidence.<sup>6</sup> The employee must submit evidence containing a rationalized medical opinion based on a complete factual and medical background in support of the causal relationship.<sup>7</sup> Such evidence includes a physician’s rationalized medical opinion on the issue of whether there is a causal relationship between the employee’s injury and/or condition and the employment incident.<sup>8</sup> The physician’s opinion must be based on a complete factual and medical background of the claimant, must be reasonably certain, and must rationally explain the relationship between the diagnosed condition and the employment incident as alleged by the claimant.<sup>9</sup>

In this case, appellant submitted no medical evidence to support his claim of a personal injury to his lower back sustained in the performance of duty. The Office informed appellant of this deficiency in its September 8, 1998 letter requesting medical evidence<sup>10</sup> and allowed him 20

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<sup>2</sup> *Id.*

<sup>3</sup> *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

<sup>4</sup> *Shirley A. Temple*, 48 ECAB 404, 407 (1997); *Elaine Pendleton*, *supra* note 3 at 1145.

<sup>5</sup> *See Elaine Pendleton*, *supra* note 3 at 1147.

<sup>6</sup> *David M. Ibarra*, 48 ECAB 218, 219 (1996).

<sup>7</sup> *Gary L. Fowler*, 45 ECAB 365, 371 (1994).

<sup>8</sup> *Id.*

<sup>9</sup> *See Shirley A. Temple*, *supra* note 4 at 407.

<sup>10</sup> The Office requested medical evidence including the dates of examination and treatment for the injury, the history of injury given to appellant by his physician, a detailed description of the physician’s findings, results of all x-ray and laboratory tests, a specific diagnosis, and the physician’s rationalized opinion as to the causal relationship between appellant’s injury and the employment incident.

days to respond. Because appellant did not submit medical evidence, he failed to meet his burden of proof establishing that he sustained an injury in the performance of duty on December 30, 1997, as alleged. Therefore, the Office properly denied his claim.

The decision of the Office of Workers' Compensation Programs dated October 8, 1998 is affirmed.

Dated, Washington, D.C.  
March 23, 2000

George E. Rivers  
Member

David S. Gerson  
Member

Bradley T. Knott  
Alternate Member