U. S. DEPARTMENT OF LABOR

# Employees' Compensation Appeals Board

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In the Matter of JOHNNIE ARNOLD and U.S. POSTAL SERVICE,
POST OFFICE, Marietta, GA

*Docket No. 99-2337; Submitted on the Record;*
*Issued November 6, 2000*

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DECISION and ORDER

Before MICHAEL J. WALSH, PRISCILLA ANNE SCHWAB,
VALERIE D. EVANS-HARRELL

The issue is whether appellant met his burden of proof in establishing that he sustained an injury in the performance of duty.

On March 3, 1999 appellant, then a 55-year-old custodian, filed a notice of traumatic injury, Form CA-1, alleging that on February 26, 1999, while en route from one office to another, he was involved in an automobile accident. He claimed he suffered an injury to his spine. On the reverse of the form, appellant's supervisor indicated that appellant stopped work on February 26, 1999 and had not returned.

In a May 6, 1999 letter, the Office of Workers' Compensation Programs advised appellant that the information submitted was not sufficient to establish his claim. The Office advised appellant of the additional medical and factual evidence needed. In particular, appellant was advised to provide a physician's opinion, with medical reasons for such opinion, as to how the work incident caused or aggravated the claimed injury. Finally, appellant was requested to provide a copy of the accident report.

In response to the Office's letter, appellant provided a copy of the accident report and disability certificates dated March 3, March 10, March 18, March 24 and April 7, 1999. Dr. Donald Ruesink, who specializes in emergency medicine, signed each certificate. The March 3, 1999 disability certificate noted that appellant was under treatment for trauma suffered in a motor vehicle accident on February 26, 1999 and was unable to return to work. The certificate did not identify the nature of any injuries appellant may have sustained.

By decision dated June 10, 1999, the Office denied appellant's claim. The Office found that, while appellant experienced the claimed accident, he failed to submit a detailed medical report as requested. Therefore, the Office determined that appellant did not sustain an injury as alleged.

The Board finds that appellant has 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[1] has the burden of establishing that 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 limitations period 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.[2] These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.[3]

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 alleged to have occurred.[4] In this case, the Office acknowledged that the incident involving appellant, the automobile accident, occurred as alleged. The Board finds that the evidence of record supports this incident.

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 causal relationship.[5]

In this case, there is insufficient medical evidence to establish that the motor vehicle accident caused or aggravated appellant's medical condition. Specifically, the only medical evidence submitted consisted of the disability certificates signed by Dr. Ruesink. While these certificates refer to appellant's trauma caused by the car accident, there is no diagnosis of a medical condition. On May 6, 1999 the Office advised appellant of the type of medical and

[1] 5 U.S.C. §§ 8101-8193.

[2] *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

[3] *David J. Overfield*, 42 ECAB 718 (1991); *Victor J. Woodhams*, 41 ECAB 345 (1989).

[4] *See Elaine Pendleton, supra* note 2; *see also* 20 C.F.R. § 10.110.

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

factual evidence needed to establish his claim. However, such evidence was not submitted prior to the Office's June 10, 1999 decision.[6]

As noted above, part of appellant's burden of proof includes the submission of medical evidence establishing that the claimed condition is causally related to employment factors. As appellant has not submitted such evidence, he has not met his burden of proof in establishing his claim.

The decision of the Office of Workers' Compensation Programs dated June 10, 1999 is hereby affirmed.

Dated, Washington, DC
November 6, 2000

Michael J. Walsh
Chairman

Priscilla Anne Schwab
Alternate Member

Valerie D. Evans-Harrell
Alternate Member

[6] In appellant's July 2, 1999 application for review to the Board, he submitted factual and medical evidence. The Board's jurisdiction is limited to evidence that was before the Office at the time it rendered the final decision. Inasmuch as this evidence was not considered by the Office, it cannot be considered on review by the Board. 20 C.F.R. § 501.2(c). The decision does not preclude appellant from submitting evidence to the Office as part of a reconsideration request.