

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of GEORGE J.A. MILLER and U.S. POSTAL SERVICE,  
POST OFFICE, Phoenix, AZ

*Docket No. 01-57; Submitted on the Record;  
Issued August 16, 2001*

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DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,  
BRADLEY T. KNOTT

The issue is whether appellant has established that he sustained an injury in the performance of duty on July 27, 2000.

On July 28, 2000 appellant, then a 50-year-old maintenance mechanic, filed a traumatic injury claim (Form CA-1) alleging that on July 27, 2000 he injured his knee when he struck it on a forklift.

By letter dated August 10, 2000, the Office of Workers' Compensation Programs informed appellant that additional information was required to support his claim and advised him of the medical and factual evidence that was required.

By decision dated September 14, 2000, the Office denied appellant's claim on the basis that he failed to establish fact of injury. Specifically, the Office found that appellant failed to submit any medical evidence to support his claim.

The Board finds that appellant has failed to establish that he sustained an injury in the performance of duty on July 27, 2000.

An employee seeking benefits under the Federal Employees' Compensation Act<sup>1</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 filed within the applicable time limitations 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."<sup>2</sup> These are the essential

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

<sup>2</sup> *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.<sup>3</sup>

In order to determine whether an employee actually sustained an injury in the performance of a 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. In this case, the Office does not dispute that the incident involving appellant hitting his knee on a forklift occurred on July 27, 2000, as alleged.

The second component is whether the employment incident caused a personal injury and it 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.<sup>4</sup> In assessing medical evidence, the weight of such evidence is determined by its reliability, its probative value and its convincing quality, and the factors which enter in such an evaluation include the opportunity for, and thoroughness of examination, the accuracy and completeness of the physician's knowledge of the facts and medical history, the care of the analysis manifested, and the medical rationale expressed in support of the physician's opinion.<sup>5</sup>

An award of compensation may not be based on surmise, conjecture or speculation. Neither the fact that appellant's condition became apparent during a period of employment nor the belief that his condition was caused, precipitated or aggravated by his employment is sufficient to establish causal relationship.<sup>6</sup> Causal relationship must be established by rationalized medical opinion evidence. Appellant failed to submit such evidence and the Office therefore properly denied appellant's claim for compensation.

As there is no medical evidence addressing and explaining why his claimed injury was caused by the alleged July 27, 2000 employment incident, appellant has not met his burden of proof in establishing that he sustained an injury in the performance of duty. Thus, the Office's decision is affirmed.

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<sup>3</sup> *Daniel J. Overfield*, 42 ECAB 718, 721 (1991).

<sup>4</sup> *Gary R. Sieber*, 46 ECAB 215, 224 (1994); *Melvina Jackson* 38 ECAB 443, 449-50 (1987); *Naomi A. Lilly*, 10 ECAB 560, 573 (1959).

<sup>5</sup> *Thomas A. Faber*, 50 ECAB \_\_\_\_ (Docket No. 97-2212, issued September 28, 1999).

<sup>6</sup> *Victor J. Woodhams*, 41 ECAB 345 (1989).

The decision of the Office of Workers' Compensation Programs dated September 14, 2000 is hereby affirmed.

Dated, Washington, DC  
August 16, 2001

Michael J. Walsh  
Chairman

Willie T.C. Thomas  
Member

Bradley T. Knott  
Alternate Member