

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of AMBER ATUATASI and U.S. POSTAL SERVICE,
POST OFFICE, City of Industry, CA

*Docket No. 01-768; Submitted on the Record;
Issued October 19, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, BRADLEY T. KNOTT,
PRISCILLA ANNE SCHWAB

The issue is whether appellant has met her burden of proof to establish that she sustained an injury to her right middle finger while in the performance of duty.

On May 8, 2000 appellant, then a 36-year-old mail processor, filed a notice of traumatic injury alleging that she injured her right middle finger. On her claim form appellant stated that she did not know how the injury occurred. Appellant did not stop work. In a decision dated November 27, 2000, the Office of Workers' Compensation Programs denied appellant's claim on the grounds that fact of injury was not established.

The Board has duly reviewed the case record and finds that appellant has not established that she sustained an injury in the performance of her federal duties as alleged.

A person who claims benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of her claim, including that she sustained an injury while in the performance of duty and that she had disability as a result.² In accordance with the Federal (FECA) Procedure Manual, in order to determine whether an employee actually sustained an injury in the performance of her duty, the Office begins with the analysis of whether "fact of injury" has been established. Generally, "fact of injury" consists of two components which must be considered one in conjunction with the other.

The first component to be established is that the employee actually experienced the employment incident or exposure which is alleged to have occurred.³ In order to meet her burden of proof to establish the fact that she sustained an injury in the performance of duty, an

¹ 5 U.S.C. §§ 8101-8193.

² *Daniel R. Hickman*, 34 ECAB 1220 (1983); *see* 20 C.F.R. § 10.110(a).

³ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Fact of Injury*, Chapter 2.803(2)(a) (June 1995).

employee must submit sufficient evidence to establish that she actually experienced the employment incident or exposure at the time, place and in the manner alleged.

The second component is whether the employment incident caused a personal injury and generally can be established only by medical evidence.⁴ The evidence required to establish causal relationship is rationalized medical opinion evidence, based upon complete factual and medical background, showing a causal relationship between the claimed condition and the identified factors.⁵ The belief of claimant that a condition was caused or aggravated by the employment is not sufficient to establish a causal relationship.⁶

In this case, appellant has not submitted sufficient factual information to establish that she was injured in the course of her federal employment. Although, in a letter dated October 25, 2000, the Office requested that appellant submit both factual and medical evidence to establish that her employment duties resulted in or aggravated her right middle finger condition, appellant did not submit any factual evidence or provide a statement of work events which she felt contributed to or aggravated her condition. Because the record is devoid of any factual evidence to establish that appellant's federal employment contributed to or aggravated her condition, the first prong of the fact-of-injury test has not been established.⁷ Appellant has not met her burden of proof.

⁴ *John C. Carlone*, 41 ECAB 354 (1989); *see* 5 U.S.C. § 8101(5) ("injury" defined); 20 C.F.R. §§ 10.5(a)(15), 10.5(a)(16) ("traumatic injury" and "occupational disease" defined).

⁵ *Lourdes Harris*, 45 ECAB 545 (1994); *see* *Walter D. Morehead*, 31 ECAB 188 (1979).

⁶ *Manuel Garcia*, 37 ECAB 767 (1986).

⁷ The Board further notes that the evidence of record is also insufficient to establish the second prong of the fact of injury test; whether appellant's employment duties caused a personal injury. The only medical report of record which addresses the cause of appellant's condition is the May 8, 2000 treatment note from Dr. Armando Torrez, who diagnosed right middle finger paresthesia and indicated by check mark that the condition was employment related. The Board has held, however, that when a physician's opinion on causal relationship consists only of checking "yes" to a form question, that opinion has little probative value and is insufficient to establish a claim. *Beverly J. Duffy*, 48 ECAB 569 (1997); *Lee R. Haywood*, 48 ECAB 145 (1996).

The decision of the Office of Workers' Compensation Programs dated November 27, 2000 is hereby affirmed.

Dated, Washington, DC
October 19, 2001

Michael J. Walsh
Chairman

Bradley T. Knott
Alternate Member

Priscilla Anne Schwab
Alternate Member