

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of DEBORAH A. LEE and U.S. POSTAL SERVICE,  
POST OFFICE, Jamaica, NY

*Docket No. 01-514; Submitted on the Record;  
Issued September 11, 2001*

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DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,  
BRADLEY T. KNOTT

The issue is whether appellant has met her burden of proof in establishing that she sustained an injury causally related to an employment incident.

On April 24, 2000 appellant, then a 44-year-old postal police officer, filed a notice of traumatic injury and claim for continuation of pay/compensation (Form CA-1), wherein she alleged that, as a result of an altercation with her supervisor on April 6, 2000, she suffered from heart palpitations, nausea and chest tightness. Appellant's supervisor also submitted an incident report for that date, wherein he indicated that appellant became agitated when he corrected her as to which book she should use to file a report. By letter dated May 26, 2000, the Office of Workers' Compensation Programs requested further information from appellant. In response, appellant submitted a personal statement dated May 24, 2000 wherein she made numerous allegations about a pattern of incidents of harassment that occurred during the course of her federal employment. In response, the employing establishment submitted further statements regarding the incident of April 6, 2000.

In a decision dated October 28, 2000, the Office denied appellant's claim. The Office indicated that the initial evidence supported that appellant actually experienced the claimed event, but that there was no evidence which showed that appellant sustained an injury in connection with this incident. The Office also noted that, although in appellant's May 24, 2000 statement she alleged a lengthy period of ongoing harassment, this was a separate issue, in that the instant claim dealt solely with the incident of April 6, 2000. The Office advised appellant that should she wish to pursue her allegations regarding ongoing harassment, she should file a claim for an occupational disease.

The Board has duly reviewed the case record on appeal and finds that appellant failed to meet her burden of proof in establishing that she sustained an injury causally related to the employment incident.

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.<sup>1</sup> These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or occupational disease.

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it must first be determined whether a "fact of injury" has been established. First the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time, place and in the manner alleged. The second component is whether the employment incident caused a personal injury and this generally can only be established by medical evidence. Causal relationship is a medical issue<sup>2</sup> and the medical evidence required to establish causal relationship, generally, is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence that includes a physician's rationalized opinion on whether there is a causal relationship between the claimant's diagnosed condition and the established incident or factor of employment. The opinion of the physician must be based on a complete factual and medical background of the claimant,<sup>3</sup> must be one of reasonable medical certainty,<sup>4</sup> and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the established incident or factor of employment.<sup>5</sup>

Although appellant established that an incident occurred at work on April 6, 2000 when she was reprimanded for writing a report in the wrong book, generally, an oral reprimand does not constitute a compensable factor of employment because it involves the employing establishment's administration of personnel matters.<sup>6</sup> Exceptions will occur, however, in those cases where the evidence discloses error or abuse on the part of the employing establishment that resulted in appellant's reaction.<sup>7</sup> Appellant has not submitted any corroborating evidence to establish that the employing establishment erred or acted abusively in reprimanding appellant on the date at issue. Accordingly, her allegations do not constitute a compensable factor under the Act.

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<sup>1</sup> *Mary J. Briggs*, 37 ECAB 578 (1986).

<sup>2</sup> *O. Paul Gregg*, 46 ECAB 624, 633 (1995).

<sup>3</sup> *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

<sup>4</sup> *Joe L. Wilkerson*, 47 ECAB 604, 605 (1996).

<sup>5</sup> *Id.*

<sup>6</sup> *Effie O. Morris*, 44 ECAB 470 (1993).

<sup>7</sup> *Joseph F. McHale*, 45 ECAB 669 (1994).

The Board further notes that appellant failed to establish that a causal relationship existed between the incident and the claimed condition or disability. The only medical evidence in the record is a page of patient instructions from Kennedy medical offices, dated April 6, 2000, which indicated that appellant could return to full duty. Because appellant did not submit an affirmative opinion from a physician who supports his conclusion with sound medical reasoning, the Board will affirm the denial of appellant's claim for compensation.

The decision of the Office of Workers' Compensation Programs dated October 28, 2000 is affirmed.

Dated, Washington, DC  
September 11, 2001

David S. Gerson  
Member

Willie T.C. Thomas  
Member

Bradley T. Knott  
Alternate Member