

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of WESLEY D. EDMUNDSON and DEPARTMENT OF THE TREASURY,
CUSTOMS SERVICE, Blaine, WA

*Docket No. 01-2103; Submitted on the Record;
Issued June 24, 2002*

DECISION and ORDER

Before ALEC J. KOROMILAS, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant met his burden of proof to establish that he sustained a kidney stone condition in the performance of duty on May 22, 2001.

On June 1, 2001 appellant, then a 43-year-old entry technician, filed a claim alleging that he sustained a kidney stone condition at work on May 22, 2001. Regarding the cause of the injury, appellant stated, "cause unknown, (possible stress)." In a statement dated June 25, 2001, appellant described the pain he experienced on May 22, 2001 and his efforts to seek medical attention. By decision dated July 20, 2001, the Office of Workers' Compensation Programs denied appellant's claim that he sustained a kidney stone condition in the performance of duty on May 22, 2001.

The Board finds that appellant did not meet his burden of proof to establish that he sustained a kidney stone condition in the performance of duty on May 22, 2001.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of his 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 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 compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.³

¹ 5 U.S.C. §§ 8101-8193.

² *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

³ *See Delores C. Ellyett*, 41 ECAB 992, 994 (1990); *Ruthie M. Evans*, 41 ECAB 416, 423-25 (1990).

To establish that an injury was sustained in the performance of duty, a claimant must submit the following: (1) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; and (3) medical evidence establishing that the employment factors identified by the claimant were the proximate cause of the condition for which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.⁴

Appellant has not submitted sufficient factual or medical evidence to establish that he sustained a kidney stone condition in the performance of duty on May 22, 2001. He did not submit an adequate factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition. Appellant generally implicated “possible stress” but he did not detail specific employment factors which might have caused his kidney stone condition.⁵ Moreover, appellant did not submit sufficient medical evidence in support of his claim.⁶

For these reasons, appellant did not establish that he sustained a kidney stone condition in the performance of duty on May 22, 2001.

The decision of the Office of Workers’ Compensation Programs dated July 20, 2001 is affirmed.

Dated, Washington, DC
June 24, 2002

Alec J. Koromilas
Member

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member

⁴ *Victor J. Woodhams*, 41 ECAB 345, 351-52 (1989).

⁵ In its July 20, 2001 decision, the Office suggested that appellant established the factual aspect of his claim, but the evidence of record does not support such a finding.

⁶ Appellant submitted medical evidence regarding the treatment of his kidney stone condition, including the performance of a right ureteroscopic stone extraction on May 23, 2001. These reports did not identify any possible employment factors as causing the claimed condition.