

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of DON J. HEIL and DEPARTMENT OF DEFENSE,  
DFAS SUPPORT ORGANIZATION, Columbus, OH

*Docket No. 02-474; Submitted on the Record;  
Issued October 29, 2002*

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DECISION and ORDER

Before MICHAEL J. WALSH, MICHAEL E. GROOM,  
A. PETER KANJORSKI

The issue is whether appellant has established an injury arising in the performance of his federal employment.

On June 20, 2001 appellant, then a 48-year-old batching clerk, filed a notice of occupational disease and claim for compensation, asserting that the “[j]ob of [b]atcher requires repetitive motion with wrist and right hand in using tool and twisting motion to extract staple ... from paper documents. Pain twinge at wrist with each extraction.” Appellant noted that he became aware of this condition on June 20, 2001 and stated that an appointment was not yet made with a specialist and that this was the first day of the symptoms.

By letter dated July 10, 2001, the Office of Workers' Compensation Programs informed appellant of his responsibility to provide factual and medical evidence to substantiate his claim. The Office requested that appellant describe his claimed condition from the date it started and to state how long appellant had held the job in which he performs the activities described. Appellant was also advised that medical evidence containing a diagnosis and the physician's reasoned opinion regarding the relationship between the condition and specific employment duties was required.

Appellant offered no response and the requested medical evidence was not received.

By decision dated September 19, 2001, the Office denied appellant's claim as the evidence submitted failed to establish fact of injury. The Office noted that appellant was advised of the deficiencies in the claim and afforded the opportunity to provide supportive evidence.

The Board has duly reviewed the case record in the present appeal and finds that appellant failed to establish a *prima facie* claim for compensation.

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 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.<sup>2</sup> These are essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.<sup>3</sup> As part of this burden, the claimant must present rationalized medical evidence, based upon a specific and accurate history.<sup>4</sup> Rationalized medical evidence is evidence, which relates a work incident to a claimant's condition, with stated reasons of a physician.<sup>5</sup>

In the instant case, appellant did not provide the required factual and medical evidence to establish a *prima facie* claim for compensation.

While appellant submitted a brief factual statement setting forth allegations pertaining to a physical condition on his Form CA-2, the record is devoid of any medical evidence providing a diagnosis of his condition or addressing whether he has a medical condition caused or aggravated by his federal employment. The Office provided appellant with opportunities to cure the deficiencies in the claim, but he failed to submit any medical evidence pertaining to his claim of injury on June 20, 2001. Appellant, therefore, has failed to meet his burden of proof to establish a *prima facie* claim that he sustained an employment injury as a result of his federal employment.

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

<sup>2</sup> *Elaine Pendleton*, 40 ECAB 1143 (1989).

<sup>3</sup> The Office's regulations clarify that a traumatic injury refers to an injury caused by a specific event or incident or series of events or incidents occurring within a single workday or shift, whereas an occupational disease refers to injury produced by employment factors which occur or are present over a period longer than a single workday or shift; *see* 20 C.F.R. §§ 10.5(a)(15), (16).

<sup>4</sup> *Joseph T. Gulla*, 36 ECAB 516 (1985).

<sup>5</sup> *Debra A. Kirk-Littleton*, 41 ECAB 703 (1990); *Edgar L. Colley*, 34 ECAB 1691, 1696 (1983).

The decision of the Office of Workers' Compensation Programs dated September 19, 2001 is affirmed.<sup>6</sup>

Dated, Washington, DC  
October 29, 2002

Michael J. Walsh  
Chairman

Michael E. Groom  
Alternate Member

A. Peter Kanjorski  
Alternate Member

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<sup>6</sup> Appellant filed his appeal with the Board on December 19, 2001. In a decision dated June 28, 2002, an Office hearing representative affirmed its prior decision. The Office's June 28, 2002 decision is null and void as both the Board and the Office cannot have jurisdiction over the same issue in the same case. 20 C.F.R. § 501.2(c); *Douglas E. Billings*, 41 ECAB 880 (1990).