

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ANTONIO T. WHITE and U.S. POSTAL SERVICE,
POST OFFICE, Chicago, IL

*Docket No. 02-821; Submitted on the Record;
Issued April 7, 2003*

DECISION and ORDER

Before COLLEEN DUFFY KIKO, DAVID S. GERSON,
MICHAEL E. GROOM

The issue is whether appellant has met his burden of proof in establishing that he sustained an injury in the performance of duty.

On April 15, 2001 appellant, then a 40-year-old manual clerk, filed a notice of traumatic injury and claim for continuation of pay, Form CA-1, alleging that on November 24, 2000 he sprained his left wrist by attempting to grasp more mail than he could safely handle. On the reverse of the form, appellant's supervisor indicated that appellant stopped work on November 24, 2000 and returned to work on November 28, 2000.

Evidence of record includes an unsigned statement of events leading up to the alleged work incident of November 24, 2000. Additionally, a return to work verification form, signed by Dr. Rajat Prakash, a Board-certified internist, dated November 28, 2000 was submitted. Dr. Prakash noted that appellant was unable to work starting November 25, 2000 and could return to work on November 28, 2000. He gave neither diagnosis of a medical condition, nor specified the cause of appellant's condition. He did restrict appellant's work activities for one week, by stating that appellant should not operate machinery or lift items over five pounds with his left hand.

By letter dated September 4, 2001, the Office of Workers' Compensation Programs advised appellant that the information submitted in his claim was insufficient to determine whether appellant was eligible under the Federal Employees' Compensation Act. Further, the Office advised appellant of the additional medical and factual evidence needed to support his claim. In particular, appellant was advised to provide a physician's opinion, with medical reasons for such opinion, as to how the work incident caused or aggravated the claimed injury.

By decision dated October 20, 2001, the Office denied appellant's claim. The Office found that the medical evidence did not establish a relationship between the November 24, 2000 work incident and his medical condition.

The Board finds that appellant has not met his burden of proof in establishing that he sustained an injury in the performance of duty.

An employee seeking benefits under the Act¹ has the burden of establishing that 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 limitations 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 essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.³

In order to determine whether an employee actually sustained an injury in the performance of 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.⁴

The second component is whether the employment incident caused a personal injury and generally can be established only be 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.⁵

In the instant case, there is no dispute that appellant is an employee or that he injured his wrist while clearing the mail sorting equipment. However, there is insufficient medical evidence to establish that this action caused or aggravated a medical condition.

In the instant case, appellant has not provided rationalized medical opinion evidence supporting a causal relation between his wrist injury and his work conditions. On September 4, 2001 the Office advised appellant of the type of medical and factual evidence needed to establish his claim. However, such evidence was not submitted.⁶

¹ 5 U.S.C. §§ 8101-8193.

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

³ *Daniel J. Overfield*, 42 ECAB 718, 721 (1991); *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁴ *Elaine Pendleton*, *supra* note 2.

⁵ *See* 20 C.F.R. § 10.11(a); *John M. Tornello*, 35 ECAB 234 (1983).

⁶ The record contains a medical report received after the Office’s October 20, 2001 decision. The Board’s jurisdiction is limited to evidence, which was before the Office at the time it rendered the final decision. Inasmuch as this evidence was not considered by the Office, it cannot be considered on review by the Board. 20 C.F.R. § 501.2(c). This decision does not preclude appellant from submitting such evidence to the Office as part of a reconsideration request.

As noted above, part of appellant's burden of proof includes the submission of medical evidence establishing that the claimed condition is causally related to employment factors. As appellant has not submitted such evidence, he has not met his burden of proof in establishing his claim.

The October 20, 2001 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
April 7, 2003

Colleen Duffy Kiko
Member

David S. Gerson
Alternate Member

Michael E. Groom
Alternate Member