

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of LaTRENIA McCOLLUM and DEPARTMENT OF HOUSING & URBAN
DEVELOPMENT, Little Rock, AR

*Docket No. 03-234; Submitted on the Record;
Issued April 10, 2003*

DECISION and ORDER

Before ALEC J. KOROMILAS, DAVID S. GERSON,
A. PETER KANJORSKI

The issue is whether appellant has met her burden of proof in establishing that she sustained an injury in the performance of duty on July 26, 2002 as alleged.

Appellant, a 22-year-old clerk, filed a notice of traumatic injury on July 29, 2002 and alleged that she injured her right hand in an elevator door on July 26, 2002. The Office of Workers' Compensation Programs requested additional factual and medical information from appellant in a letter dated September 17, 2002. By decision dated October 17, 2002, the Office denied appellant's claim on the grounds that she failed to submit any medical evidence establishing that she sustained an injury as alleged.¹

The Board finds that appellant failed to meet her burden of proof in establishing that she sustained an injury in the performance of duty on July 26, 2002 as alleged.

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.² The second component is whether the employment incident caused a personal injury and generally can be established only by 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

¹ Appellant submitted additional new evidence with her request for an appeal. As the Office did not consider this evidence in reaching a final decision, the Board may not consider the evidence for the first time on appeal. 20 C.F.R. § 501.2(c).

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

background, supporting such a causal relationship.³ Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant, must be one of reasonable medical certainty and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant. The weight of medical evidence is determined by its reliability, its probative value, its convincing quality, the care of analysis manifested and the medical rationale expressed in support of the physician's opinion.⁴

Appellant alleged that she sustained a soft tissue injury to her right hand on July 29, 2002 when an elevator door closed on her hand. The Office accepted that this incident occurred as alleged. However, appellant did not submit the necessary medical opinion evidence to establish that she sustained an injury to her right hand as a result of the accepted employment incident. As there is no medical evidence before the Office at the time of its decision establishing a causal relationship between appellant's right hand condition and her employment, she had failed to meet her burden of proof and the Office properly denied her claim.

The October 17, 2002 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
April 10, 2003

Alec J. Koromilas
Chairman

David S. Gerson
Alternate Member

A. Peter Kanjorski
Alternate Member

³ See 20 C.F.R. § 10.110(a); *John M. Tornello*, 35 ECAB 234 (1983).

⁴ *James Mack*, 43 ECAB 321 (1991).