

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ANN M. GIBSON and U.S. POSTAL SERVICE,
POST OFFICE, Baton Rouge, LA

*Docket No. 03-317; Submitted on the Record;
Issued April 4, 2003*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
MICHAEL E. GROOM

The issue is whether appellant sustained an emotional condition while in the performance of duty.

On May 7, 2002 appellant, then a 47-year-old distribution window clerk, filed a claim asserting a post-traumatic stress syndrome as a result of her federal employment. She stated that she could not function under conditions at work.

On May 16, 2002 the Office of Workers' Compensation Programs requested additional information, including a detailed description of the employment-related exposure or contact that she believed contributed to her condition. The Office also requested that appellant submit a reasoned medical opinion on the cause of her diagnosed condition.

Appellant replied on May 21, 2002:

"I cannot give you written dates on all occasions because of the medication I [a]m on. I cannot remember. I can give you oral statements concerning your information you want. Also I can give you statements from other employees about the stress and harassment caused by Robert Watts. Also, several grievances had been filed by the union that should be on file. I also contacted the Federal Labor Board on his violations of my FMLA [Family Medical Leave Act]."

Appellant added that things began to get worse once she filed for and received leave under the FMLA. She stated: "This has been an ongoing thing ever since I worked with Robert Watts." Appellant advised that all medical information was on file at the employing establishment.

In a decision dated July 12, 2002, the Office denied appellant's claim on the grounds that she failed to establish fact of injury. The Office found that the initial evidence of file was

insufficient to establish that she experienced the claimed event at the time, place and in the manner alleged because no medical evidence was received.

The Board finds that appellant has not met her burden of proof to establish that she sustained an emotional condition while in the performance of duty.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of proof to establish the essential elements of her claim. When an employee claims that she sustained an injury in the performance of duty, she must submit sufficient evidence to establish that she experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. She must also establish that such event, incident or exposure caused an injury.²

Causal relationship is a medical issue,³ and the medical evidence generally required to establish causal relationship 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,⁴ must be one of reasonable medical certainty,⁵ 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.⁶

Appellant has not submitted a sufficient description of incidents arising at work. She refers to stress and harassment by Robert Watts, with regard to leave under the FMLA, but she did not state who Mr. Watts is or what he did to harass her on any occasion. Appellant made general reference to grievance filings concerning her complaints against Mr. Watts, but she submitted no witness statements to corroborate any allegation. Unsubstantiated allegations of harassment or discrimination are not determination of whether such incidents occurred. A claimant must establish a factual basis for the claim by supporting his or her allegations with probative and reliable evidence.⁷ Given the lack of evidence in this record, the Board finds that appellant has failed to establish that she experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged.

¹ 5 U.S.C. §§ 8101-8193.

² See *Walter D. Morehead*, 31 ECAB 188, 194 (1979) (occupational disease or illness); *Max Haber*, 19 ECAB 243, 247 (1967) (traumatic injury). See generally *John J. Carlone*, 41 ECAB 354 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

³ *Mary J. Briggs*, 37 ECAB 578 (1986).

⁴ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁵ See *Morris Scanlon*, 11 ECAB 384, 385 (1960).

⁶ See *William E. Enright*, 31 ECAB 426, 430 (1980).

⁷ See *Sherman Howard*, 51 ECAB 387 (2000).

As the Board noted, a claimant must do more than establish a specific event, incident or exposure. She must also establish that such event, incident or exposure caused an injury. Appellant has submitted no medical evidence whatsoever to establish that what happened at work caused an injury or diagnosed condition. As she has failed to address this essential element of her claim, the Board finds that she has failed to make a *prima facie* claim for compensation.⁸

Appellant has not met her burden of proof because the facts of this case are unknown and there is no medical opinion in the record explaining how her work caused or contributed to a diagnosed condition.

The July 12, 2002 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC
April 4, 2003

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member

Michael E. Groom
Alternate Member

⁸ *Herman E. Harris* (Docket No. 91-1754, issued April 29, 1992) (finding that the claimant failed to establish a *prima facie* claim for compensation where he submitted no medical opinion relating his occupational disease or condition to factors of his federal employment).