

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of VALECIA J. MADARIS and DEPARTMENT OF HEALTH & HUMAN SERVICES, SOCIAL SECURITY ADMINISTRATION, Mansfield, OH

*Docket No. 03-1461; Submitted on the Record;
Issued August 1, 2003*

DECISION and ORDER

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

The issue is whether appellant sustained an injury in the performance of duty on July 27, 2002 causally related to factors of her federal employment.

On July 29, 2002 appellant, then a 46-year-old office assistant, filed a traumatic injury claim alleging that on July 27, 2002 she injured her back and left leg when she twisted her body while moving files from one cabinet to another.

The Office of Workers' Compensation Programs advised appellant by letter dated March 21, 2003 that she needed to submit medical evidence in support of her claim within 30 days but such evidence was not forthcoming.

By decision dated April 29, 2003, the Office denied appellant's claim on the grounds that she failed to submit medical evidence establishing that she sustained a medical condition as a result of the incident on July 27, 2002.¹

The Board finds that appellant failed to establish that she sustained an injury in the performance of duty on July 27, 2002 causally related to factors of her federal employment.

An employee seeking benefits under the Federal Employees' Compensation Act² 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

¹ The record contains medical evidence submitted subsequent to the Office's April 29, 2003 decision. However, the jurisdiction of the Board is limited to the evidence that was before the Office at the time it issued its final decision; *see* 20 C.F.R. § 501.2(c). This decision does not preclude appellant from submitting additional evidence to the Office along with a request for reconsideration.

² 5 U.S.C. §§ 8101-8193.

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.³

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it first must be determined whether “fact of injury” has been established. There are two components involved in establishing fact of injury. First, the employee must submit sufficient evidence to establish that she actually experienced the employment incident at the time, place and in the manner alleged.⁴ Second, the employee must submit evidence, in the form of medical evidence, to establish that the employment incident caused a personal injury.⁵ An employee may establish that the employment incident occurred as alleged, but fail to show that his or her disability and/or medical condition relate to the employment incident. As the Office did not dispute that the July 27, 2002 employment incident occurred at the time, place and in the manner alleged, the remaining issue is whether the alleged injury was caused by the employment incident.

In order to satisfy his or her burden of proof, an employee must submit a physician’s rationalized medical opinion on the issue of whether the alleged injury was caused by the employment incident.⁶

In this case, appellant failed to provide any medical evidence on the issue of causal relationship prior to the issuance of the Office’s April 29, 2003 decision.⁷ Therefore, she did not meet her burden of proof in establishing that she sustained an injury on July 27, 2002 in the performance of duty.

³ *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁴ *John J. Carlone*, 41 ECAB 354 (1989).

⁵ *Shirley A. Temple*, 48 ECAB 404 (1997).

⁶ *Gary L. Fowler*, 45 ECAB 365 (1994).

⁷ As noted above, the record shows that the Office advised appellant by letter dated March 21, 2003 that she needed to submit medical evidence in support of her claim but none was forthcoming.

The April 29, 2003 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC
August 1, 2003

Colleen Duffy Kiko
Member

David S. Gerson
Alternate Member

Michael E. Groom
Alternate Member