

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of OCEAN P. LEE and DEPARTMENT OF VETERANS AFFAIRS,
VETERANS ADMINISTRATION MEDICAL CENTER, West Haven, CT

*Docket No. 02-2271; Submitted on the Record;
Issued February 26, 2003*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant established that she suffered an injury in the performance of duty.

On April 15, 2002 appellant, then a 25-year-old pharmacist, filed a notice of occupational disease alleging that frequent stapling caused pain and tingling in her right wrist.

In a June 10, 2002 letter, the Office of Workers' Compensation Programs advised appellant of the factual and medical evidence required to establish her claim for an occupational disease.

In response to the Office's June 2, 2002 letter, appellant submitted a position description for a staff pharmacist. He did not provide any medical evidence to support her claim.

In a decision dated August 19, 2002, the Office denied compensation on the grounds that appellant failed to establish fact of injury.

The Board finds that appellant failed to establish that she sustained a right wrist condition in the performance of duty.¹

An employee seeking benefits under the Federal Employees' Compensation Act 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 filed within the applicable time limitation of the Act; that an injury was sustained while in the performance of duty as alleged; and that any disability and/or specific condition, for which

¹ Although appellant submitted evidence on appeal, the Board's jurisdiction is limited to a review of the evidence that was before the Office at the time it issued its final decision; *see* 20 C.F.R. § 501.2(c); *Thomas W. Stevens*, 50 ECAB 288 (1999). However, the Board's decision does not preclude appellant from submitting additional evidence to the Office along with a request for reconsideration.

compensation is claimed are causally related to the employment injury. These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or occupational disease.²

In this case, appellant has not submitted any medical evidence to substantiate an injury or to establish that she has a work-related right wrist condition. Because appellant bears the burden of proof to establish fact of injury, the Office properly denied compensation.

The decision of the Office of Workers' Compensation Programs dated August 19, 2002 is hereby affirmed.

Dated, Washington, DC
February 26, 2003

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member

² *Irene St. John*, 50 ECAB 521 (1999); *Michael E. Smith*, 50 ECAB 313 (1999).