

while operating x-ray machine on checkpoint lane. No break for three hours no air conditioning (construction at checkpoint).” The nature of the injury was described as “exhaustion.” The claim form contains a statement from a supervisor: “[Appellant] to my knowledge suffered a TIA [transient ischemic accident], was seen by paramedics and transported to local hospital. [She] against doctors’ recommendation left the hospital refusing further observation and subsequently suffered stroke. During TIA she fell.”

By letter dated April 30, 2003, the Office requested that appellant submit additional factual information, such as whether she had a prior history of fainting and whether she struck an object other than the immediate supporting surface when she passed out. The Office also requested, in an April 30, 2003 letter, that the employing establishment submit additional evidence regarding the incident.

In a decision dated June 10, 2003, the Office denied the claim, finding that appellant had not submitted sufficient evidence to establish an injury in the performance of duty.

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees’ Compensation Act¹ 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 sustained in the performance of duty as alleged and that any disability or specific condition for which compensation is claimed is causally related to the employment injury.²

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. The second component is whether the employment incident caused a personal injury and generally this can be established only by medical evidence.³

ANALYSIS

In the present case, appellant alleged that she passed out while operating an x-ray machine on August 12, 2002. The supervisor’s statement on the claim form suggests that the employing establishment does not dispute that an incident occurred on August 12, 2002 during which she passed out and fell. Appellant did not, however, submit a statement clearly explaining the nature of her claim. To the extent that she is claiming that the lack of air conditioning contributed to “exhaustion” and a loss of consciousness, she must provide a sufficient description

¹ 5 U.S.C. § 8101-8193.

² *Kathryn Haggerty*, 45 ECAB 383 (1994); *Elaine Pendleton*, 40 ECAB 1143 (1989).

³ *See John J. Carlone*, 41 ECAB 354, 357 (1989).

of the work environment on August 12, 2002 and the specific work factors she believed contributed to an injury. Moreover, to establish her claim appellant must submit probative medical evidence on causal relationship between the identified work factors and a diagnosed condition. The Board has held that medical evidence must be in the form of a reasoned opinion by a qualified physician based on a complete and accurate factual and medical history.⁴

The allegation of a fall resulting from loss of consciousness also raises the issue of whether appellant is claiming that she sustained an injury as a result of striking an object or the supporting surface. Such an allegation raises additional issues of whether the fall was idiopathic, or the result of an unexplained fall.⁵ To the extent that appellant is claiming an injury from the fall itself she must submit sufficient factual and medical evidence to establish her claim. Appellant did not submit probative factual and medical evidence supporting her claim and, therefore, she did not meet her burden of proof in this case.

CONCLUSION

The Board finds that as of June 10, 2003 appellant did not submit sufficient evidence to meet her burden of proof in establishing an injury in the performance of duty on August 12, 2002.⁶

⁴ *Robert J. Krstyen*, 44 ECAB 227, 229 (1992).

⁵ It is a general rule of workers' compensation law that an injury resulting from an idiopathic fall where a personal, nonoccupational pathology causes an employee to collapse and to suffer injury upon striking the immediate supporting surface and there is no intervention or contribution by any hazard or special condition of the employment, the injury is not a personal injury while in the performance of duty as it does not arise out of a risk connected with the employment. On the other hand, if the cause of the fall cannot be determined or the reason it occurred cannot be explained, then it is an unexplained fall that comes within the general rule that an injury occurring on the industrial premises during working hours is compensable. *John R. Black*, 49 ECAB 624, 626 (1998).

⁶ The Board cannot review on this appeal evidence that was submitted after the June 10, 2003 Office final decision. 20 C.F.R. § 501.2(c).

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated June 10, 2003 is affirmed.

Issued: April 8, 2004
Washington, DC

Alec J. Koromilas
Chairman

Colleen Duffy Kiko
Member

David S. Gerson
Alternate Member