

By letter dated February 12, 2004, the Office requested that appellant submit further factual information, as well as medical evidence. No such evidence was timely received.

In a decision dated March 26, 2004, the Office determined that the evidence supported that the claimed event occurred. However, due to the fact that appellant failed to submit any medical evidence, the Office denied appellant's claim.

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 filed within the applicable time limitation; that an injury was sustained while 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.² These are the essential elements of each and every compensation claim regardless of whether the claim is predicated on a traumatic injury or on an occupational disease.³

To determine whether an employee has sustained a traumatic injury in the performance of duty, "fact of injury" must first be established.⁴ The employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time, place and in the manner alleged.⁵ Second, the employee must submit sufficient evidence, generally only in the form of medical evidence, to establish that the employment incident caused a personal injury.⁶ The medical evidence required to establish causal relationship is usually rationalized medical evidence.⁷

ANALYSIS

In this case, the Office found that appellant had satisfied the first criteria. It is undisputed that appellant was injured while doing sit-ups as part of the fitness requirements of his job while on a work-related travel assignment. The Office, however, found that the evidence does not establish a medical condition that was caused by the October 21, 1998 incident. In fact, appellant submitted no medical evidence at all to support his claim. The Office asked appellant to submit further evidence including medical evidence, but no further information was submitted.

¹ 5 U.S.C. §§ 8101-8193.

² *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

³ *See Irene St. John*, 50 ECAB 521 (1999); *Michael E. Smith*, 50 ECAB 313 (1999); *Elaine Pendleton*, *supra* note 2.

⁴ *Neal C. Evins*, 48 ECAB 242 (1996).

⁵ *Michael W. Hicks*, 50 ECAB 325, 328 (1999).

⁶ 5 U.S.C. § 8101(5); 20 C.F.R. § 10.5(ee) (1999) (defining injury).

⁷ *Michael E. Smith*, *supra* note 3.

Accordingly, appellant has failed to establish that he sustained an injury in the course of his federal employment.

CONCLUSION

As appellant has failed to submit rationalized medical evidence establishing that he sustained an injury caused by the October 21, 1998 employment incident, the Board finds that he has failed to satisfy his burden of proof in this case.

ORDER

IT IS HEREBY ORDERED THAT the March 26, 2004 decision of the Office of Workers' Compensation Programs is affirmed.⁸

Issued: August 17, 2004
Washington, DC

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member

⁸ On appeal appellant inquired as to why a particular medical bill remained unpaid by the Office. As no final adverse decision was issued by the Office within one year of the date this appeal was docketed, the Board has no jurisdiction over this issue. *See* 20 C.F.R. §§ 501.2(c), 501.3(a) and 501.3(d)(2), respectively.