

**United States Department of Labor  
Employees' Compensation Appeals Board**

---

**JUSSARA L. ARCANJO, Appellant**

**and**

**U.S. POSTAL SERVICE, POST OFFICE,  
Newark, NJ, Employer**

---

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**Docket No. 03-1137  
Issued: January 22, 2004**

*Appearances:*  
*Jussara L. Arcanjo, pro se*  
*Office of Solicitor, for the Director*

*Case Submitted on the Record*

**DECISION AND ORDER**

Before:

COLLEEN DUFFY KIKO, Member  
DAVID S. GERSON, Alternate Member  
MICHAEL E. GROOM, Alternate Member

**JURISDICTION**

On April 2, 2003 appellant filed a timely appeal from the Office of Workers' Compensation Programs' decision dated February 18, 2003 which denied modification of a November 5, 2002 Office decision. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3(d)(2), the Board has jurisdiction over the merits of this case.

**ISSUE**

The issue is whether appellant sustained an injury in the performance of duty on June 14, 2002.

**FACTUAL HISTORY**

On July 22, 2002 appellant, then a 33-year-old letter carrier, filed a notice of traumatic injury (Form CA-1) alleging that on June 14, 2002 she was in a car accident and sustained shock but no injury. Appellant missed no time from work. The employing establishment indicated on the reverse side of the form that appellant was injured during the performance of duty on June 14, 2002 and was treated at Columbus Hospital the same day. Accompanying appellant's

claim was a June 18, 2002 letter from Columbus Hospital which explained their billing system and noted that appellant was seen on June 14, 2002.

By letter dated August 7, 2002, the Office advised appellant that additional factual information was needed and that no medical evidence in support of the claim had been received. Appellant was requested to describe in detail how the injury occurred and to provide dates of examination and treatment, a history of injury given by her to a physician, a detailed description of any findings, the results of all x-rays and laboratory tests, a diagnosis and course of treatment followed and a physician's opinion supported by a medical explanation as to how the reported work incident caused the claimed injury. The Office explained that the physician's opinion was crucial to her claim and allotted appellant 30 days within which to submit the requested information. Appellant did not respond within the time allotted.

By decision dated November 5, 2002, the Office denied appellant's claim, finding that the factual basis of her claim was unclear or unknown and that there was no evidence that she sustained an injury in connection with the alleged work incident.

By letter dated November 14, 2002, appellant requested reconsideration of the Office's November 5, 2002 decision. In support of her request, appellant contended that she did not claim any injury, but the hospital wanted to check her out to make sure she was okay. She advised that, on the date of the accident, she gave all the papers from the hospital to her supervisor who said he would take care of everything. Appellant requested that her claim be paid. Accompanying appellant's request was an emergency room record from Columbus Hospital dated June 14, 2002 noting that appellant was involved in a motor vehicle accident. The discharge instruction sheet diagnosed an anxiety attack post motor vehicle accident and instructed appellant to rest. Bills for services rendered were also attached.

By decision dated February 18, 2003, the Office denied appellant's request for modification finding that, while the hospital report provided a brief description of the claimed work injury on June 14, 2002,<sup>1</sup> it did not provide a diagnosis of the condition, if any, found on examination and, therefore, was insufficient to modify the prior decision of November 5, 2002.

### **LEGAL PRECEDENT**

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 limitations of the Act, that an injury was 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."<sup>2</sup> These are the essential

---

<sup>1</sup> The Board notes that, although the decision states that appellant was examined at the hospital on November 14, 2002, this is a typographical error.

<sup>2</sup> *Gary J. Watling*, 52 ECAB 278 (2001); *Elaine Pendleton*, 40 ECAB 1143, 1154 (1989).

elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or occupational disease.<sup>3</sup>

### ANALYSIS

As the Office found in its February 18, 2003 decision, the evidence of record supports the fact that the claimed incident of a motor vehicle accident occurred during the performance of duty on June 14, 2002 at the time, place and in the manner alleged.

The case therefore rests on whether the motor vehicle incident at work on June 14, 2002 caused an injury. The Office denied appellant's claim stating that the evidence of record did not support a medical condition resulting from the alleged employment incident. Contrary to the Office's finding, however, the Columbus Hospital report provided a diagnosis of anxiety attack post motor vehicle accident. Although causal relationship generally requires a rationalized medical opinion, the Office may accept a case without a medical report when one or more of the following criteria, as set forth in the Office's procedure manual,<sup>4</sup> are satisfied:

“(a) The condition reported is a minor one which can be identified on visual inspection by a lay person (*e.g.*, burns, lacerations, insect sting or animal bite);

“(b) The injury was witnessed or reported promptly and no dispute exists as to the fact of injury; and

“(c) No time was lost from work due to disability.”

In the present case, the condition reported, shock with no injury, meets the first criterion as the type of condition that generally occurs following a motor vehicle accident. That is, appellant was taken to the hospital for such a condition, her state of emotional shock was visualized by medical personnel, and was subsequently diagnosed as having an anxiety attack post motor vehicle accident. There was no indication that the shock or anxiety attack post motor vehicle accident was considered a serious condition as appellant was discharged the same day and returned to work the next day. The first criterion is therefore satisfied.

The second criterion is also satisfied. In her November 14, 2002 reconsideration request, appellant stated that she had given all the papers from the hospital to her supervisor on June 14, 2002, the date of the accident. Appellant's supervisor signed the Form CA-1 and indicated that appellant was injured on June 14, 2002 during the performance of duty and received medical care the same day.<sup>5</sup> No dispute exists as to these facts. Appellant's supervisor further noted on the Form CA-1 that appellant did not stop work due to the June 14, 2002 employment injury as she returned to work on June 15, 2002. As the record indicates that appellant did not stop work and has not claimed disability due to this incident, the third criterion is also met. A medical

---

<sup>3</sup> *Michael E. Smith*, 50 ECAB 313 (1999).

<sup>4</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.805.3d(1)(a)-(c) (June 1995); *see also Timothy D. Douglas*, 49 ECAB 558 (1998).

<sup>5</sup> Appellant's supervisor did not provide a date with his signature.

report is therefore not necessary in this case. Accordingly, the Board finds that the record establishes that an injury occurred in the performance of duty.<sup>6</sup>

Because the Office made no findings as to whether appellant was entitled to reimbursement for ambulance and other medical expenses, the case will be remanded for the Office to make appropriate findings on these issues. After such further development as it considers necessary, the Office shall issue a *de novo* decision on appellant's entitlement to benefits.

### **CONCLUSION**

The Board finds that the record establishes that an injury occurred in the performance of duty on June 14, 2002.

### **ORDER**

**IT IS HEREBY ORDERED THAT** the decisions of the Office of Workers' Compensation Programs dated February 18, 2003 and November 5, 2002 are set aside and the case is remanded for further development consistent with this opinion.<sup>7</sup>

Issued: January 22, 2004  
Washington, DC

Colleen Duffy Kiko  
Member

David S. Gerson  
Alternate Member

Michael E. Groom  
Alternate Member

---

<sup>6</sup> *Pearlene Morton*, 52 ECAB 493 (2001).

<sup>7</sup> The Board notes that appellant's appeal to the Board was accompanied by new evidence. The Board's jurisdiction on appeal is limited to a review of the evidence which was in the case record before the Office at the time of its final decision; *see* 20 C.F.R. § 501.2(c). Therefore, the Board is precluded from reviewing this evidence.