

FACTUAL HISTORY

On April 12, 2004 appellant, then a 50-year-old supervisory regulatory project manager, filed a traumatic injury claim alleging that, on April 5, 2004, he felt a sharp pain when he bent over to pick up a paper clip, which resulted in a lower back injury. By letter dated April 23, 2004, the Office requested further information. On that same date, appellant submitted medical records indicating that he was seen by the Texas Gulf Coast Medical Group on April 15, 2004 and that the attending physician diagnosed low back pain.

By decision dated June 3, 2004, the Office denied appellant's claim for compensation. The Office found that, although the evidence of file supported that the claimed event occurred, there was no medical evidence that provided a diagnosis which was connected to the alleged event and, therefore, appellant had not met the requirements for establishing that he sustained an injury under the Act.

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 limitation 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.² These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.³

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it must first be determined whether a "fact of injury" has been established. There are two components involved in establishing the fact of injury. First, 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.⁴ 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.⁵

ANALYSIS

In the instant case, it is not disputed that on April 5, 2004 appellant bent over to pick up a paper clip and that at that time he experienced pain. However, appellant has not submitted sufficient medical evidence to establish that he sustained an injury as a result thereof. The only

² *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

³ *Daniel J. Overfield*, 42 ECAB 718, 721 (1991).

⁴ See *Tracey P. Spillane*, 54 ECAB ____ (Docket No. 02-2190, issued June 12, 2003); *Deborah L. Beatty*, 54 ECAB ____ (Docket No. 02-2294, issued January 15, 2003).

⁵ *Id.*

medical evidence consisted of hospital forms indicating that appellant was seen by the Texas Gulf Coast Medical Group on April 5, 2004 and was diagnosed with back pain. There is no history of injury and no opinion indicating that this back pain was caused by appellant's federal employment. Furthermore, the Board notes that pain is considered a symptom, not a diagnosis, and does not constitute a basis for payment for compensation in the absence of objective findings of disability.⁶ Accordingly, this evidence is insufficient to establish causal relationship. The Office properly denied appellant's claim for compensation.

CONCLUSION

The Board finds that as appellant failed to establish that he sustained an injury in the performance of duty on April 5, 2004, as alleged, the Office properly denied his claim.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated June 3, 2004 is hereby affirmed.

Issued: November 24, 2004
Washington, DC

Colleen Duffy Kiko
Member

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member

⁶ See *John L. Clark*, 32 ECAB 1618 (1981); *Huie Lee Goad*, 1 ECAB 180 (1948).