

FACTUAL HISTORY

On April 30, 2002 appellant, then a 38-year-old rural mail carrier, filed a traumatic injury claim alleging that on April 26, 2002 he injured his shoulder during the course of his federal employment. Appellant submitted a hospital form indicating that he was seen at Dominican Hospital on April 26, 2002, at which time he was diagnosed with tendinitis in his left arm. The employing establishment controverted the claim. In a May 1, 2002 statement, appellant's supervisor noted that appellant did not indicate that he suffered any trauma, that appellant stated that his shoulder had been bothering him since the prior year, that appellant filed his claim after he learned that he did not have health insurance and that, if the injury were work related, it should be an occupational disease claim. The record also contains other statements by employees of the employing establishment as well as appellant's request for sick leave from April 29 to May 11, 2002.

By letter dated May 15, 2002, the Office requested that appellant submit further information. Appellant submitted an April 26, 2002 doctor's report in which a physician at Dominican Hospital, whose signature is illegible, indicated that he sustained acute tendinitis in his left shoulder as a result of repetitive motion. He noted that there was no history of trauma. Hospital notes from that date were also submitted indicating that appellant was seen on that date complaining of shoulder, neck and back pain and that this had been continuing for 24 months. X-rays taken on that date indicated mild degenerative changes at C5-6 and C6-7 with mild disc space narrowing at C5-6.

In a decision dated June 20, 2002, the Office denied appellant's claim, finding that the medical evidence failed to explain how the diagnosed condition was related to the April 26, 2002 event.

By letter to the Office dated July 17, 2002, appellant requested an oral hearing. At the hearing on March 3, 2003, appellant testified that he has not worked for the employing establishment since August 10, 2002. He also described his duties as a rural mail carrier and the circumstances surrounding his injury.

In a decision dated May 15, 2003, the hearing representative determined that the medical evidence was insufficient to establish that appellant sustained an injury in the performance of duty on April 26, 2002.

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees' Compensation Act² has the burden of establishing the essential elements of his 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 and/or specific condition for which compensation is claimed are causally related to the employment injury.³ These are the essential

² 5 U.S.C. §§ 8101-8193.

³ *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁴

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.⁵ The second component of fact of injury is whether the employment incident caused a personal injury and generally can be established only by medical evidence. To establish a causal relationship between the condition, as well as any attendant disability claimed and the employment and the employment event or incident, the employee must submit rationalized medical opinion evidence based on a complete factual and medical background, supporting such a causal relationship.⁶

ANALYSIS

Appellant failed to establish that he sustained an injury in the performance of duty on April 26, 2002. None of the medical evidence of record relates appellant's shoulder condition to his federal employment. The reports from Dominican Hospital establish that appellant was seen on April 26, 2002 at which time he was diagnosed with tendinitis in his left arm as a result of repetitive motion. The physicians did not relate this injury with any traumatic incident occurring on April 26, 2002. The medical evidence indicates that appellant had shoulder, neck and back pain for the prior 24 months. There is insufficient medical evidence establishing that appellant sustained an injury during the course of his federal employment on April 26, 2002 and the Office properly denied the claim.

CONCLUSION

The Office properly found that appellant failed to establish that he sustained an injury in the performance of duty on April 26, 2002.

⁴ See *Delores C. Ellyett*, 41 ECAB 992, 994 (1990); *Ruthie M. Evans*, 41 ECAB 416, 423-25 (1990).

⁵ *Elaine Pendleton*, *supra* note 2.

⁶ *Kathryn Haggerty*, 45 ECAB 383 (1994); see 20 C.F.R. § 10.110(a).

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated May 15, 2003 is hereby affirmed.

Issued: September 22, 2004
Washington, DC

Alec J. Koromilas
Chairman

David S. Gerson
Alternate Member

Michael E. Groom
Alternate Member