United States Department of Labor
Employees' Compensation Appeals Board

DEBRA L. GONSALVES, Appellant	)	
and	)	**Docket No. 05-1760**
	)	**Issued: November 8, 2005**
DEPARTMENT OF THE TREASURY, INTERNAL REVENUE SERVICE, Richmond, VA, Employer	)	

Appearances:
Debra L. Gonsalves, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:
ALEC J. KOROMILAS, Chief Judge
DAVID S. GERSON, Judge
WILLIE T.C. THOMAS, Alternate Judge

JURISDICTION

On August 24, 2005 appellant filed a timely appeal from the Office of Workers' Compensation Programs' May 23, 2005 merit decision denying her traumatic injury claim. Pursuant to 20 C.F.R. §§ 501.2 and 501.3, the Board has jurisdiction over the merits of this case.

ISSUE

The issue is whether appellant has met her burden of proof in establishing that she sustained an injury causally related to factors of her federal employment.

FACTUAL HISTORY

On April 18, 2005 appellant, a 45-year-old data transcriber, filed a traumatic injury claim alleging that on April 17, 2005 she "hurt" her left foot, right hip, right shoulder and back when she slipped on a puddle of water near the ice machine at work. She claimed that, after filling a water bottle, she fell, twisted her body and landed on her left foot.

By letter dated April 21, 2005, the Office notified appellant that the information previously submitted was insufficient to substantiate her claim and advised her to provide within 30 days a comprehensive medical report from her treating physician which described her symptoms, results of examinations and tests, a diagnosis, the treatment provided, the effect of the treatment, and the doctor's opinion, with medical reasons, on the cause of her condition. The letter specifically advised appellant to secure from her physician a reasoned medical opinion as to how the alleged work-related injury contributed to her diagnosed medical condition.

In response to the Office's request, appellant submitted a "return to work" form dated May 6, 2005 bearing an illegible signature. The form reflected information for a Genny West, born August 16, 1972, who was reportedly injured on March 29, 2005.

By decision dated May 23, 2005, the Office denied appellant's claim on the grounds that the medical evidence did not contain a diagnosis of a condition that was causally related to the accepted work-related event.

LEGAL PRECEDENT

The Federal Employees' Compensation Act provides for payment of compensation for disability or death of an employee resulting from personal injury sustained while in the performance of duty.[1] The phrase "sustained while in the performance of duty" is regarded as the equivalent of the coverage formula commonly found in workers' compensation laws, namely, arising out of and in the course of employment.[2]

An employee seeking benefits under the Act has the burden of proof to establish 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 or specific condition for which compensation is claimed is causally related to the employment injury.[3] When an employee claims that he sustained a traumatic injury in the performance of duty, he must establish the fact of injury, which consists of two components which must be considered in conjunction with one another. The first is whether the employee actually experienced the incident that is alleged to have occurred at the time, place and in the manner alleged. The second, whether the employment incident caused a personal injury, generally can be established only by medical evidence.[4]

[1] 5 U.S.C. § 8102(a).

[2] This construction makes the statute effective in those situations generally recognized as properly within the scope of workers compensation law. *Charles E. McAndrews*, 55 ECAB ___ (Docket No. 04-1257, issued September 10, 2004); *see also Bernard D. Blum*, 1 ECAB 1 (1947).

[3] *Robert Broome*, 55 ECAB ___ (Docket No. 04-93, issued February 23, 2004).

[4] *Deborah L. Beatty*, 54 ECAB ___ (Docket No. 02-2294, issued January 15, 2003). *See also Tracey P. Spillane*, 54 ECAB ___ (Docket No. 02-2190, issued June 12, 2003); *Betty J. Smith*, 54 ECAB ___ (Docket No. 02-149, issued October 29, 2002). The term "injury" as defined by the Act, refers to a disease proximately caused by the employment. 5 U.S.C. § 8101(5). *See* 20 C.F.R. § 10.5(q), (ee).

The claimant must establish by the weight of reliable, probative and substantial evidence that the condition for which compensation is sought is causally related to a specific employment incident or to specific conditions of employment.[5] An award of compensation may not be based on appellant's belief of causal relationship.[6] Neither the mere fact that a disease or condition manifests itself during a period of employment nor the belief that the disease or condition was caused or aggravated by employment factors or incidents is sufficient to establish a causal relationship.[7]

The medical evidence generally required to establish causal relationship is rationalized medical opinion evidence, which is medical evidence that includes a physician's rationalized opinion as to whether there is a causal relationship between the claimant's diagnosed condition and the established incident or factor of employment. The opinion must be based on a complete factual and medical background of the claimant, must be one of reasonable medical certainty and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the established incident or factor of employment.[8]

ANALYSIS

The Board finds that the evidence of record does not provide sufficient facts or a rationalized medical opinion to establish that appellant sustained a diagnosed condition that was causally related to her April 17, 2005 employment-related accident.

Appellant did not provide the factual and medical evidence necessary to establish a *prima facie* claim for a condition arising from the performance of duty. As a threshold matter, she did not identify an injury or condition for which she is seeking compensation. She stated that the nature of the injury was that she "hurt" her left foot, right hip, right shoulder and back. Appellant has alleged circumstances which might have contributed to an injury or illness, but she has not described a specific injury or identified a diagnosed condition, such as a back sprain, resulting from the alleged injury. Appellant's vague allegation that she hurt herself is insufficient to constitute a basis for the payment of compensation.[9]

The Office accepted that appellant experienced the alleged work-related incident. However, the evidence fails to establish how the incident caused or contributed to a diagnosed condition. The medical evidence of record consists of a "return to work" form dated May 6, 2005 containing information on Ms. West. No medical evidence was submitted which provided a diagnosed condition related to appellant's work injury. An award of compensation may not be based on appellant's belief of causal relationship. Neither the mere fact that a disease or condition manifests itself during a period of employment nor the belief that the disease or

[5] *Katherine J. Friday*, 47 ECAB 591, 594 (1996).

[6] *Dennis M. Mascarenas*, 49 ECAB 215, 218 (1997).

[7] *Florencio D. Flores*, 55 ECAB ___ (Docket No. 04-942, issued July 12, 2004).

[8] *John W. Montoya*, 54 ECAB ___ (Docket No. 02-2249, issued January 3, 2003).

[9] *See Robert Broome*, *supra* note 3.

condition was caused or aggravated by employment factors or incidents is sufficient to establish a causal relationship.[10]

There is no medical evidence of record establishing that appellant sustained a diagnosed medical condition or that explains the physiological process by which the work-related accident would have caused a diagnosed condition. The Office advised appellant that it was her responsibility to provide within 30 days, among other things, a comprehensive medical report from her treating physician which described her symptoms, test results, diagnosis, treatment and the doctor's opinion, with medical reasons, on the cause of his condition. Appellant failed to submit any probative medical documentation in response to the Office's request within the allotted time. Therefore, the Office properly denied appellant's claim for benefits under the Act.

CONCLUSION

Appellant has failed to meet her burden of proof that she sustained a traumatic injury in the performance of duty.

ORDER

IT IS HEREBY ORDERED THAT the May 23, 2005 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: November 8, 2005
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

David S. Gerson, Judge
Employees' Compensation Appeals Board

Willie T.C. Thomas, Alternate Judge
Employees' Compensation Appeals Board

[10] *James A. Long*, 40 ECAB 538 (1989).