



requested additional medical evidence in support of his claim. In response, appellant submitted the medical records from his September 17, 2004 visit to the University of Pittsburgh Medical Center. The records reflect that appellant was seen on September 17, 2004 for an injury to his left ankle which appellant stated occurred on September 10, 2004. The hospital physician diagnosed appellant with left ankle cellulitis.

By decision dated May 4, 2005, the Office denied appellant's claim for the reason that the medical evidence did not address how appellant's claimed medical condition was related to the September 10, 2004 work incident.

On May 11, 2005 appellant requested review of the written record. He submitted further records from the University of Pittsburgh Medical Center related to his September 17, 2004 visit. These records included a prescription by Dr. Rani Kumar, a physician Board-certified in emergency medicine, for ibuprofen and cephalexin, a copy of his discharge instructions advising him to follow-up with his primary care physician in two days, and the results of x-rays indicating that no apparent bone abnormality was seen in appellant's left ankle.

By decision dated August 29, 2005, the hearing representative affirmed the denial of appellant's claim, finding that the medical evidence did not establish a causal relationship between the accepted employment incident of September 10, 2004 and his left ankle condition.

### **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.<sup>1</sup> 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.<sup>2</sup>

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.<sup>3</sup> 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.<sup>4</sup>

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<sup>1</sup> *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

<sup>2</sup> *Daniel J. Overfield*, 42 ECAB 718, 721 (1991).

<sup>3</sup> 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).

<sup>4</sup> *Id.*

An award of compensation may not be based on surmise, conjecture or speculation or upon appellant's belief that there is a causal relationship between his condition and his employment.<sup>5</sup> To establish causal relationship, appellant must submit a physician's report in which the physician reviews the factors of employment identified by him as causing his condition and taking these factors into consideration as well as findings upon examination and appellant's medical history, states whether these employment factors caused or aggravated his diagnosed condition.<sup>6</sup>

### **ANALYSIS**

In the instant case, appellant has not submitted sufficient medical evidence to establish a casual relationship between the September 10, 2004 incident and any resulting medical condition to his left ankle. Although the medical records from appellant's visit to the hospital on September 17, 2004 reflect that he told the hospital staff that he twisted his ankle on that date, no physician provided a report relating the left ankle cellulitis condition to the work incident. Appellant has not submitted a well-rationalized medical opinion definitively relating the diagnosed condition to his left ankle to his federal employment. Appellant has not established that he sustained an injury related to his federal employment and the Office properly denied the claim.

### **CONCLUSION**

The Office properly denied appellant's claim as he failed to establish that he sustained an injury in the performance of duty on September 10, 2004.

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<sup>5</sup> *Manuel Gill*, 52 ECAB 282, 287 (2001).

<sup>6</sup> *Calvin E. King*, 51 ECAB 394, 401 (2000).

**ORDER**

**IT IS HEREBY ORDERED THAT** the decisions of the Office of Workers' Compensation Programs dated August 29 and May 4, 2005 are affirmed.

Issued: January 18, 2006  
Washington, DC

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

David S. Gerson, Judge  
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge  
Employees' Compensation Appeals Board