

FACTUAL HISTORY

On February 26, 2007 appellant, then a 49-year-old rural letter carrier, filed a traumatic injury claim, Form CA-1, alleging that her left leg was injured when her motor vehicle was hit from behind by another vehicle that same day.

On March 20, 2007 the Office informed appellant of the evidence needed to establish her traumatic injury claim. Appellant was given 21 days to submit the requested information. She did not provide any additional evidence in the allotted time.

By decision dated April 23, 2007, the Office denied appellant's claim on the grounds that she had not established that she sustained an injury under in the performance of duty. The Office accepted that appellant's motor vehicle was struck from behind by another vehicle, but found that she did not submit any medical evidence providing a diagnosis related to this incident.

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees' Compensation Act² 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; that an injury was sustained while in the performance of duty; and that any disability or specific condition for which compensation is claimed is causally related to the employment injury.³

In order to determine whether an employee sustained a traumatic injury in the performance of duty, the Office must first determine whether "fact of injury" has been established. "Fact of injury" consists of two components that must be considered in conjunction with one another. The first component is whether the employee actually experienced the employment incident that is alleged to have occurred. The second component is whether the incident caused a personal injury, and, generally, this can be established only by medical evidence.⁴

When determining whether the implicated employment factors caused the claimant's diagnosed condition, the Office generally relies on the rationalized medical opinion of a physician.⁵ To be rationalized, the opinion must be based on a complete factual and medical background of the claimant,⁶ and must be one of reasonable medical certainty,⁷ explaining the

² 5 U.S.C. §§ 8101-8193.

³ *Caroline Thomas*, 51 ECAB 451 (2000); *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁴ *Ellen L. Noble*, 55 ECAB 530 (2004).

⁵ *Conrad Hightower*, 54 ECAB 796 (2003); *Leslie C. Moore*, 52 ECAB 132 (2000).

⁶ *Tomas Martinez*, 54 ECAB 623 (2003); *Gary J. Watling*, 52 ECAB 278 (2001).

⁷ *John W. Montoya*, 54 ECAB 306 (2003).

nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.⁸

ANALYSIS

The Office has accepted that appellant's vehicle was rear-ended on February 26, 2007 in the performance of her federal duties. Therefore, the issue is whether appellant has established that she sustained an injury as a result of that employment incident.

The record establishes that appellant did not submit any medical evidence prior to the time that the Office issued its April 23, 2007 decision. The Board has held that an employee seeking compensation under the Act has the burden of proving the essential elements of her claim by the weight of the reliable, probative and substantial evidence.⁹ For this reason, she has not submitted a *prima facie* claim for compensation.¹⁰ Because appellant failed to introduce medical evidence that provided a diagnosis of her alleged condition or an explanation of how the diagnosis was related to the accepted employment, the Board finds that she has not met her burden of proof.

CONCLUSION

The Board finds that appellant has not established that she sustained an injury in the performance of duty on February 26, 2007.

⁸ *Judy C. Rogers*, 54 ECAB 693 (2003).

⁹ *William Archer*, 55 ECAB 674 (2004).

¹⁰ See *Donald W. Wenzel*, 56 ECAB __ (Docket No. 05-146, issued March 17, 2006); *Richard H. Weiss*, 47 ECAB 182 (1995).

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated April 23, 2007 is affirmed.

Issued: November 21, 2007
Washington, DC

David S. Gerson, Judge
Employees' Compensation Appeals Board

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

James A. Haynes, Alternate Judge
Employees' Compensation Appeals Board