



## **FACTUAL HISTORY**

On October 30, 2006 appellant, then a 57-year-old nursing assistant, filed a claim alleging that factors of her employment caused an injury to her left shoulder and neck pain. No additional factual information was included.

In a November 1, 2006 letter, the Office informed appellant that the information submitted was insufficient to establish her claim. The Office advised her to submit details of nature of the injury that caused or contributed to her condition. The Office also asked for a medical report containing a description of appellant's condition, a diagnosis and an opinion with medical reasons on the cause of her condition. Appellant did not respond.

By decision dated January 11, 2007, the Office denied appellant's claim on the grounds that the evidence was insufficient to establish that she sustained an injury related to her federal employment.

## **LEGAL PRECEDENT**

An employee seeking benefits under the Federal Employees' Compensation Act<sup>2</sup> 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 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.<sup>3</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>4</sup>

In order to determine whether an employee 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 that must be considered in conjunction with one another. The first component to be established is that the employee actually experienced the employment incident or exposure that is alleged to have occurred.<sup>5</sup> The second component is whether the employment incident or exposure caused a personal injury.<sup>6</sup> Causal relationship is a medical question that can generally be resolved only by rationalized medical opinion evidence.<sup>7</sup>

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<sup>2</sup> 5 U.S.C. §§ 8101-8193.

<sup>3</sup> *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

<sup>4</sup> *Victor J. Woodhams*, 41 ECAB 345 (1989).

<sup>5</sup> *Elaine Pendleton*, *supra* note 3.

<sup>6</sup> *John J. Carlone*, 41 ECAB 354 (1989).

<sup>7</sup> *See Robert G. Morris*, 48 ECAB 238 (1996). A physician's opinion on the issue of causal relationship must be based on a complete factual and medical background of the claimant. *Victor J. Woodhams*, *supra* note 4. Additionally, in order to be considered rationalized, the opinion must be expressed in terms of a reasonable degree of medical certainty and must be supported by medical rationale, explaining the nature of the relationship between the diagnosed condition and claimant's specific employment factors. *Id.*

**ANALYSIS**

The Board finds that the Office properly determined that appellant had not established that she sustained an employment incident or exposure and properly determined that appellant failed to establish with medical evidence that she sustained an injury as a result of the event.

Appellant alleges that she injured her left shoulder and back as a result of her performing her duties. She provided no further details. At the time of the January 11, 2007 decision, the Office had not been provided any information regarding the time, place or manner of injury. Appellant did not explain what job duties she was performing when she allegedly sustained her condition. Additionally she provided no medical evidence to substantiate that she sustained an injury as a result of a work event or exposure. As such, the Office was correct in its finding that appellant did not sustain an injury in the performance of duty.

**CONCLUSION**

The Board finds that appellant has not met her burden of proof in establishing that she sustained an injury in the performance of duty.

**ORDER**

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated January 11, 2007 is affirmed

Issued: September 20, 2007  
Washington, DC

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

David S. Gerson, Judge  
Employees' Compensation Appeals Board

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