

described numbness in her hands, arms and shoulders. Appellant's supervisor confirmed the date of injury as October 26, 2005.¹

An October 27, 2005 medical report stated that appellant complained of a four-week duration of numbness and tingling in her hands associated with some pain in her neck radiating down the right arm. "She is a postal worker and does a lot of lifting on a regular basis. [Appellant] stated that yesterday her pain got a lot worse and her hands felt very weak."

In a decision dated December 15, 2005, the Office denied appellant's claim. The Office noted that the initial medical evidence did not describe the employment incident of October 26, 2005 and offered no diagnosis that could be connected to the event.

Appellant requested reconsideration and submitted additional medical evidence.

On September 22, 2006 the Office reviewed the merits of appellant's claim and denied modification of the December 15, 2005 decision. The Office found that, although additional medical evidence presented a diagnosis, it drew a connection to appellant's history since 2000 and not to the alleged October 26, 2005 incident. The Office noted that the evidence failed to note or relate any history of a traumatic event occurring on the date of the alleged injury

Appellant again requested reconsideration. She submitted medical evidence attributing her condition to repetitive activities at work. Appellant also submitted a claim for an occupational disease or illness and indicated that she first became aware of her condition on October 26, 2005.

In a decision dated November 7, 2007, the Office denied modification of its prior decision. The Office explained that the evidence did not support a traumatic work injury on October 26, 2005. "There is no medical evidence which discusses how and why only your work on this one day caused or contributed to a medical condition. In addition, [your physician] confirmed that your medical problems were caused by your ongoing repetitive postal work. Clearly, you have a claim for an occupational disease injury...." The Office acknowledged receipt of appellant's Form CA-2 and asked her to have it completed and signed by her employer and submitted as a new injury in the proper manner, together with clarification from her physician on what specific medical conditions were related to what specific work activities.

On appeal, appellant's attorney argues that the Office's November 7, 2007 decision is contrary to fact and law.

LEGAL PRECEDENT

The Federal Employees' Compensation Act provides compensation for the disability of an employee resulting from personal injury sustained while in the performance of duty.² An employee seeking compensation under the Act has the burden of proof to establish the essential

¹ Appellant misdated her signature and the date of injury as 2006. Her supervisor received and signed the claim form on October 27, 2005 and the Office received the claim form on November 3, 2005.

² 5 U.S.C. § 8102(a).

elements of her claim. When an employee claims that she sustained an injury in the performance of duty, she must submit sufficient evidence to establish that she experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. She must also establish that such event, incident or exposure caused an injury.³

“Traumatic injury” means a condition of the body caused by a specific event or incident or series of events or incidents, within a single workday or shift. Such condition must be caused by external force, including stress or strain, which is identifiable as to time and place of occurrence and member or function of the body affected.⁴ “Occupational disease or illness” means a condition produced by the work environment over a period longer than a single workday or shift.⁵

ANALYSIS

The Office’s November 7, 2007 decision is correct. The evidence does not support that appellant sustained a traumatic work injury on October 26, 2005, as she originally claimed. The Office does not dispute that she performed her usual duties on that date, but the medical evidence did not attribute any medical condition to what she did on that single workday or shift. The medical evidence instead implicated repetitive work duties over a longer period of time. For that reason, appellant did not meet her burden to establish that she sustained a traumatic work injury on October 26, 2005. The Board will therefore affirm the Office’s November 7, 2007 decision.

The Board notes that appellant has now filed a claim that she sustained an occupational disease or illness. The Office did not issue a final decision on this new claim prior to the present appeal, so the Board may not review that claim.⁶ The Office has advised appellant what steps she should take to further this new claim before a final decision is made on her entitlement to benefits.

CONCLUSION

The Board finds that appellant did not meet her burden of proof to establish that she sustained a traumatic injury in the performance of duty on October 26, 2005, as she originally claimed.

³ See *Walter D. Morehead*, 31 ECAB 188, 194 (1979) (occupational disease or illness); *Max Haber*, 19 ECAB 243, 247 (1967) (traumatic injury). See generally *John J. Carlone*, 41 ECAB 354 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁴ 20 C.F.R. § 10.5(ee) (1999).

⁵ *Id.* at § 10.5(q).

⁶ 20 C.F.R. § 501.2(c) (the Board has jurisdiction to consider and decide appeals from the final decision of the Office in any case arising under the Act).

ORDER

IT IS HEREBY ORDERED THAT the November 7, 2007 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: June 3, 2008
Washington, DC

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

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

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