



that appellant was released for bed rest until July 14, 2008 and that he could resume work on July 15, 2008. The note offered no firm medical diagnosis.

In a letter dated July 23, 2008, the Office advised appellant of the deficiencies in his claim. It requested that he provide additional factual and medical evidence, including a medical report from a treating physician containing a reasoned explanation as to how the specific work factors identified by appellant contributed to his claimed injury.

In a July 10, 2008 note, Dr. Farouk Al-Salihi indicated that on June 28, 2008 appellant was suffering from severe tachycardia with dyspnea.<sup>1</sup> He indicated that appellant was disabled from June 28, 2008 and could return to work on July 14, 2008.

By decision dated August 27, 2008, the Office denied appellant's claim, finding that there was insufficient factual evidence to establish an employment incident on June 25, 2008 and the medical evidence was insufficient to establish an injury in connection with the reported incident.<sup>2</sup>

### **LEGAL PRECEDENT**

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

The Office's regulations define a traumatic injury as 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.<sup>5</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. 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. An employee has the burden of establishing the occurrence of an injury at the time, place and in the manner alleged, by the preponderance of the

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<sup>1</sup> The physician's credentials are not of record.

<sup>2</sup> Following the Office's August 27, 2008 decision, appellant requested reconsideration and submitted additional evidence. However, he appealed to the Board before the Office rendered a decision on reconsideration. Appellant also submitted additional new evidence on appeal. As the Office did not consider this evidence in reaching a final decision, the Board may not consider such evidence in reaching its decision. 20 C.F.R. § 501.2(c).

<sup>3</sup> 5 U.S.C. §§ 8101-8193.

<sup>4</sup> *Jussara L. Arcanjo*, 55 ECAB 281, 283 (2004).

<sup>5</sup> 20 C.F.R. § 10.5(ee).

reliable, probative and substantial evidence. An injury does not have to be confirmed by eyewitnesses in order to establish the fact that the employee sustained an injury in the performance of duty, but the employee's statements must be consistent with the surrounding facts and circumstances and his subsequent course of action. An employee has not met his burden of proof where there are such inconsistencies in the evidence as to cast serious doubt upon the validity of the claim.<sup>6</sup>

An employee must also submit sufficient medical evidence to establish that the employment incident caused a personal injury. The medical evidence required to establish causal relationship is usually rationalized medical evidence. Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors. The opinion of the physician 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 specific employment factors identified by the claimant.<sup>7</sup>

### ANALYSIS

Appellant alleged that he sustained a traumatic injury on June 25, 2008 when he became lightheaded and was admitted to the hospital. He attributed the cause of his lightheadedness to the heat of the day. However, appellant did not provide a statement describing the nature or extent of his exposure to heat while on his postal route. The employing establishment did not verify appellant's alleged exposure. Rather, it controverted his claim. Furthermore, there is no evidence that appellant sustained an injury in connection with the June 25, 2008 incident. Dr. Farouk AL-Salihi reported appellant suffered from severe tachycardia with dyspnea on June 28, 2008, three days after the alleged incident. He did not address whether the factors of appellant's employment on June 25, 2008 caused or aggravated the diagnosed medical condition.

The Office informed appellant that the factual and medical evidence was insufficient to establish that he sustained an injury in the performance of duty and asked him to respond to specific questions regarding the incident on June 25, 2008. However, he failed to clarify how the alleged injury occurred.

The Board finds that appellant has not established that an injury occurred on June 25, 2008 as alleged. He did not establish his exposure to heat on June 25, 2008 as alleged. It is unnecessary to address the medical evidence in this case.<sup>8</sup>

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<sup>6</sup> See *Gary J. Watling*, 52 ECAB 278 (2001).

<sup>7</sup> See *Allen C. Hundley*, 53 ECAB 551 (2002).

<sup>8</sup> See *S.P.*, 59 ECAB \_\_\_\_ (Docket No. 07-1584, issued November 15, 2007) (where a claimant did not establish an employment incident alleged to have caused his or her injury, it was not necessary to consider the medical evidence).

**CONCLUSION**

The Board finds that appellant has not submitted sufficient factual evidence to establish his traumatic injury claim.

**ORDER**

**IT IS HEREBY ORDERED THAT** the August 27, 2008 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: August 24, 2009  
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