

FACTUAL HISTORY

On October 20, 2010 appellant, then a 54-year-old general expeditor, filed a traumatic injury claim alleging that she sustained a contusion and bruise to her right shoulder on October 3, 2010 as a result of her employment. She explained that the injury occurred when she tripped over a manual handjack.

On November 1, 2010 OWCP requested additional evidence, including a medical report containing a diagnosis of appellant's condition and rationale explaining how the condition was causally related to her employment activities. No additional evidence was received by the OWCP in the next 30 days.

By decision dated December 6, 2010, OWCP denied appellant's claim on the grounds that the medical component of the fact of injury element had not been established.

LEGAL PRECEDENT

An employee seeking benefits under FECA³ has the burden to establish the essential elements of her claim including the fact that the individual is an employee of the United States within the meaning of FECA, that the claim was timely filed, that an injury was sustained in the performance of duty as alleged and that any disability or medical condition for which compensation is claimed is causally related to the employment injury.⁴

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it first must be determined whether the fact of injury has been established. There are two components involved in establishing 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.⁵ Second, the employee must submit evidence, in the form of medical evidence, to establish that the employment incident caused a personal injury.⁶

To establish a causal relationship between a claimant's condition and any attendant disability claimed and the employment event or incident, she must submit rationalized medical opinion evidence based on a complete factual and medical background supporting such a causal relationship. Rationalized medical opinion evidence is medical evidence which includes a physician's 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

³ 5 U.S.C. §§ 8101-8193.

⁴ *Steven S. Saleh*, 55 ECAB 169 (2003); *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁵ *Bonnie A. Contreras*, 57 ECAB 364, 367 (2006); *Edward C. Lawrence*, 19 ECAB 442, 445 (1968).

⁶ *T.H.*, 59 ECAB 388 (2008); *John J. Carlone*, 41 ECAB 354, 356-57 (1989).

the relationship between the diagnosed condition and the specific employment factors identified by the claimant.⁷

ANALYSIS

The Board finds that appellant failed to meet her burden of proof. OWCP accepted that the October 3, 2010 event, a trip over a manual handjack, occurred as alleged. In order for appellant to establish that she sustained an employment-related injury, she must submit a medical report with an accurate history of injury, a diagnosis of her condition, and rationalized medical opinion that explains how her medical condition was caused by the accepted trip over a manual handjack.

Appellant has the burden to submit medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed and medical evidence establishing that the diagnosed condition is causally related to the implicated employment factors. The Board finds that she failed to submit any medical evidence pertaining to her claim of injury. On November 1, 2010 OWCP informed appellant of the deficiencies in the evidence, but she did not submit any factual or medical evidence to establish her claim. Appellant did not establish a prima facie claim for compensation.⁸

Appellant may submit new evidence or argument with a written request for reconsideration to OWCP within one year of this merit decision, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. §§ 10.605 through 10.607.

CONCLUSION

The Board finds that appellant failed to establish that she sustained an injury on October 3, 2010 caused by her accepted incident.

⁷ *Gary J. Watling*, 52 ECAB 278 (2001); *Shirley A. Temple*, 48 ECAB 404 (1997).

⁸ *See Donald W. Wenzel*, 56 ECAB 390 (2005).

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated December 6, 2010 is affirmed.

Issued: October 25, 2011
Washington, DC

Richard J. Daschbach, Chief Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

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