



the hospital. The employing establishment controverted the claim and alleged that appellant did not take her break or take her medicine.

In a letter dated May 25, 2011, Valerie Frazier, a health and human resource management specialist with the employing establishment, controverted the claim. She noted that appellant was diabetic, which was not a job-related condition. Furthermore, appellant was responsible for following her physician's instructions pertaining to low or high blood sugar.

By letter dated June 2, 2011, OWCP advised appellant that additional factual and medical evidence was needed. It explained that a physician's opinion was crucial to her claim and allotted appellant 30 days within which to submit the requested information.

In a June 8, 2011 statement, appellant indicated that on May 19, 2010 her supervisor would not send another employee to relieve her for her 10:30 break. She noted that she ate 8:30 a.m. and took a break every two hours as she was diabetic and had to keep her blood sugar from going down. Appellant worked alone at the sales window until 12:45 without a break. Furthermore, she was not allowed to eat or drink while working the window and waiting on customers.

OWCP received an incident report dated May 19, 2011 from the fire and rescue department.

In a May 19, 2011 report, Dr. Marna Ann Teramana, an osteopath, diagnosed a headache and recommended that appellant follow up with Dr. Louis P. Heckman, a Board-certified internist.

By decision dated July 11, 2011, OWCP denied appellant's claim. It found that the evidence supported that the claimed incident occurred, but the medical evidence did not demonstrate that the claimed medical condition was related to the work-related incident.

### **LEGAL PRECEDENT**

An employee seeking benefits under FECA 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 FECA, that the claim was timely filed within the applicable time limitation period of FECA<sup>2</sup> and that an injury was sustained in the performance of duty.<sup>3</sup> These are the essential elements of each 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 actually sustained an injury in the performance of duty, OWCP begins with an analysis of whether fact of injury has been established. Generally fact of injury consists of two components which must be considered

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<sup>2</sup> *Joe D. Cameron*, 41 ECAB 153 (1989).

<sup>3</sup> *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

<sup>4</sup> *Delores C. Ellyett*, 41 ECAB 992 (1990).

in conjunction with one another. The first component to be established is that the employee actually experienced the employment incident which is alleged to have occurred. The second component is whether the employment incident caused a personal injury and generally this can be established only by medical evidence.<sup>5</sup> The employee must also submit sufficient evidence, generally only in the form of medical evidence, to establish that the employment incident caused a personal injury.<sup>6</sup>

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 she developed vertigo, headaches, nausea and vomiting while performing her work duties as a clerk. OWCP found that the evidence supported the May 19, 2011 incident. The Board finds that the first component of fact of injury is established; the claimed incident -- that appellant was working at the window and was unable to take a break to eat on May 19, 2011.

The medical evidence is insufficient to establish the second component of fact of injury, that the employment incident caused an injury. The medical reports of record do not establish that appellant's headache or other symptoms were caused by the incident at work. The medical evidence contains no reasoned explanation of how the incident on May 19, 2011 caused or aggravated any medical condition.<sup>8</sup>

In a May 19, 2011 report, Dr. Teramana diagnosed a headache. However, she did not offer any opinion on causal relationship. Medical evidence which does not offer any opinion regarding the cause of an employee's condition is of limited probative value on the issue of causal relationship.<sup>9</sup>

The medical evidence submitted by appellant does not address how work factors on May 19, 2011 caused or aggravated a headache or any other condition. The evidence is of

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<sup>5</sup> See *John J. Carlone*, 41 ECAB 354, 357 (1989).

<sup>6</sup> *Id.* For a definition of the term "traumatic injury," see 20 C.F.R. § 10.5(ee).

<sup>7</sup> *Id.*

<sup>8</sup> See *George Randolph Taylor*, 6 ECAB 986, 988 (1954) (where the Board found that a medical opinion not fortified by medical rationale is of little probative value).

<sup>9</sup> *Michael E. Smith*, 50 ECAB 313 (1999).

limited probative value<sup>10</sup> and is insufficient to establish that the May 19, 2011 employment incident caused or aggravated a specific injury.

The Board finds that appellant has not submitted the medical evidence necessary to meet her burden of proof in this case. Therefore, OWCP properly denied the claim for compensation. 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 has not met her burden of proof in establishing that she sustained an injury in the performance of duty on May 19, 2011.

**ORDER**

**IT IS HEREBY ORDERED THAT** the July 11, 2011 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: March 16, 2012  
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

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<sup>10</sup> See *Linda I. Sprague*, 48 ECAB 386, 389-90 (1997).