

She stated that the injury occurred at a taxpayer's business premises when she tried to get away from a large dog while entering the premises.

On the back of the form the employing establishment controverted the claim. It noted that the taxpayer provided a statement noting that, while the dog was large, it was not a threat to appellant and no injury was sustained. The taxpayer stated that appellant remained on the site for 30 to 45 minutes after seeing the dog and did not act as if she had been injured or required medical attention.

By correspondence dated June 6, 2011, OWCP requested additional factual and medical information from appellant and gave her 30 days to provide the requested information. Appellant did not submit any additional information.

By decision dated July 11, 2011, OWCP denied appellant's claim finding that, although the evidence was sufficient to establish that the event occurred as alleged, there was no medical evidence that provided a diagnosis, which could be connected to the claimed event. Thus, an injury was not established.

LEGAL PRECEDENT

An employee seeking benefits under FECA² has the burden of establishing the essential elements of his claim, including the fact that the individual is an employee of the United States within the meaning of FECA; that the claim was filed within the applicable time limitation; that an injury was sustained while 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.³ These are the essential elements of each and every compensation claim regardless of whether the claim is predicated on a traumatic injury or an occupational disease.⁴

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.⁵ 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.⁶ Second, the employee must submit sufficient evidence, generally only in the form of medical evidence, to establish that the employment incident caused a personal injury.⁷

² *Id.*

³ *C.S.*, Docket No. 08-1585 (issued March 3, 2009); *Bonnie A. Contreras*, 57 ECAB 364 (2006).

⁴ *S.P.*, 59 ECAB 184 (2007); *Joe D. Cameron*, 41 ECAB 153 (1989).

⁵ *B.F.*, Docket No. 09-60 (issued March 17, 2009); *Bonnie A. Contreras*, *supra* note 3.

⁶ *D.B.*, 58 ECAB 464 (2007); *David Apgar*, 57 ECAB 137 (2005).

⁷ *C.B.*, Docket No. 08-1583 (issued December 9, 2008); *D.G.*, 59 ECAB 734 (2008); *Bonnie A. Contreras*, *supra* note 3.

Causal relationship is a medical issue and the medical evidence generally required to establish causal relationship is rationalized medical opinion evidence.⁸ Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized opinion on whether there is a causal relationship between the employee's diagnosed condition and the compensable employment factors.⁹ The opinion of the physician must be based on a complete factual and medical background of the employee, 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 employee.¹⁰

ANALYSIS

The Board finds that appellant failed to establish that she sustained an injury while in the performance of duty on May 13, 2011. OWCP accepted that the incident occurred as alleged but denied her claim on the grounds that she did not submit medical evidence establishing an injury.

Appellant submitted a Form CA-1 but did not provide OWCP with any medical evidence to establish her claim. She failed to submit any rationalized medical opinion evidence based on a complete factual and medical background to support a causal relationship between her left arm injury and the May 13, 2011 employment incident. There is no evidence of any examination or treatment, history of the injury, description of a physician's findings, results of any tests performed or firm medical diagnosis. There is no medical opinion from a physician addressing whether there is a causal relationship between her claimed left arm injury and the incident of May 13, 2011.

On June 6, 2011 OWCP informed appellant of the evidence needed to support her claim; however, the record before the Board contains no medical evidence or any factual evidence. Therefore, appellant failed to provide medical evidence establishing an injury in the performance of duty.

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 meet her burden of proof in establishing that she sustained a traumatic injury on May 13, 2011 in the performance of duty.

⁸ *Y.J.*, Docket No. 08-1167 (issued October 7, 2008); *A.D.*, 58 ECAB 149 (2006); *D'Wayne Avila*, 57 ECAB 642 (2006).

⁹ *J.J.*, Docket No. 09-27 (issued February 10, 2009); *Michael S. Mina*, 57 ECAB 379 (2006).

¹⁰ *I.J.*, 59 ECAB 408 (2008); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

ORDER

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

Issued: March 20, 2012
Washington, DC

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

Alec J. Koromilas, Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board