

FACTUAL HISTORY

On October 23, 2013 appellant, then a 65-year-old security screening officer, filed a traumatic injury claim alleging that on July 13, 2012 he passed out due to becoming dehydrated as the result of standing during an eight-hour shift.² He noted that he requested water, but management stated that water was only available during his lunch and breaks. Appellant indicated that no physical injury was sustained; however, paramedics were called and that he incurred a hospital bill.

In an October 23, 2013 statement, appellant noted his shift hours were 4:30 a.m. to 12:00 p.m. On July 13, 2012 he was denied his request for water or a chair. At about 10:00 p.m. appellant became dizzy and fainted. He stated that the terminal he worked in during the summer became hot and because of his age, he needed to keep hydrated. The employing establishment called the paramedics who took appellant to a local hospital. Appellant believed that the hospital bill would be paid by the employing establishment as he was on duty at the time of the incident. He stated that the incident caused no physical injury or problems and that he only wanted the hospital and paramedic bills paid. Appellant submitted a copy of a January 12, 2012 bill from Northwest Community Hospital, Chicago, Illinois.

By letter dated January 7, 2014, OWCP informed appellant that the evidence of record was insufficient to establish his claim. Appellant was advised as to the medical and factual evidence required to support his claim and provided 30 days to provide such information.

By decision dated February 11, 2014, OWCP accepted that the July 13, 2012 incident occurred as alleged. It denied appellant's claim finding that he failed to submit evidence containing a medical diagnosis in connection with the accepted incident.

LEGAL PRECEDENT

An employee seeking benefits under FECA³ 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 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.⁴ 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.⁵

OWCP regulations at 20 C.F.R. § 10.5(ee) 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

² Appellant stopped work for the employing establishment effective August 3, 2013.

³ 5 U.S.C. § 8101 *et seq.*

⁴ *C.S.*, Docket No. 08-1585 (issued March 3, 2009); *Bonnie A. Contreras*, 57 ECAB 364 (2006).

⁵ *S.P.*, 59 ECAB 184 (2007); *Joe D. Cameron*, 41 ECAB 153 (1989).

workday or shift.⁶ 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.⁷ 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.⁸ 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.⁹

ANALYSIS

OWCP accepted that the employment incident of July 13, 2012 occurred at the time, place and in the manner alleged. The issue is whether appellant sustained an injury as a result of the July 13, 2012 employment incident. The Board finds that he did not meet his burden of proof to establish an injury causally related to the July 13, 2012 employment incident.

In addition to his claim form, appellant submitted a January 12, 2012 hospital bill from Northwest Community Hospital. These documents do not constitute medical evidence and, therefore, fail to establish a firm medical diagnosis in connection to the January 12, 2012 employment incident. As such, the Board finds that appellant did not meet his burden of proof.

As appellant has not submitted any medical evidence to support his allegation that he sustained an injury related to the July 13, 2012 employment incident, he has failed to meet his burden of proof to establish the medical component of fact of injury.

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.

OWCP did not adjudicate the issue of appellant's incurred medical expenses. In his October 23, 2012 statement, appellant requested that it pay his outstanding medical bills related to the employment incident. Ordinarily, the employing establishment will authorize treatment of a job-related injury by providing him a properly executed Form CA-16 within four hours.¹⁰ Under section 8103 of FECA, OWCP has broad discretionary authority to approve unauthorized medical care which it finds necessary and reasonable in cases of emergency or other unusual circumstances, to be determined on a case-by-case basis.¹¹ The Board will remand the case to

⁶ 20 C.F.R. § 10.5(ee); *Ellen L. Noble*, 55 ECAB 530 (2004).

⁷ *B.F.*, Docket No. 09-60 (issued March 17, 2009); *Bonnie A. Contreras*, *supra* note 4.

⁸ *D.B.*, 58 ECAB 464 (2007); *David Apgar*, 57 ECAB 137 (2005).

⁹ *C.B.*, Docket No. 08-1583 (issued December 9, 2008); *D.G.*, 59 ECAB 734 (2008); *Bonnie A. Contreras*, *supra* note 4.

¹⁰ See *Val D. Wynn*, 40 ECAB 666 (1989); see also Federal (FECA) Procedure Manual, Part 3 -- Medical, *Authorizing Examination and Treatment*, Chapter 3.300.3(a)(3) (December 2005).

¹¹ 5 U.S.C. § 8103; 20 C.F.R. § 10.304. See *L.B.*, Docket No. 10-469 (issued June 2, 2010); see also *supra* note 10 at Chapter 3.300.3(a)(3).

OWCP for further development, to be followed by the issuance of a *de novo* decision on this issue.

CONCLUSION

The Board finds that appellant has not met his burden of proof to establish that he sustained an injury in the performance of duty on July 13, 2012, as alleged. The case will be returned to OWCP for consideration of whether appellant's medical expenses should be reimbursed.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated February 11, 2014 is affirmed. The case is remanded for further development regarding the reimbursement of medical expenses.

Issued: July 17, 2014
Washington, DC

Alec J. Koromilas, Alternate Judge
Employees' Compensation Appeals Board

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

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