

FACTUAL HISTORY

On February 9, 2015 appellant, then a 52-year-old window distribution clerk, filed a traumatic injury claim alleging that on February 7, 2015 she fractured her right shoulder. She stated that, as she was taking the mail to route 19, she stepped on a platform to set the mail down and fell to the floor, injuring her shoulder, nose, and knee. Appellant stated that she lost her footing and slipped off the platform. She submitted two witness statements in support of her claim noting that on February 7, 2015 she was lying on the floor in pain. Appellant also submitted a return to work note from Facey Medical Group dated February 7, 2015 which was illegible, including the signature.

In a letter dated February 26, 2015, OWCP requested additional factual and medical evidence in support of appellant's traumatic injury claim. It allowed her 30 days to respond.

Appellant submitted an additional note from Facey Medical Group dated March 2015 which indicated that she could not return to work for one more week. The remainder of the note, including the signature, is illegible.

By decision dated April 3, 2015, OWCP denied appellant's claim finding that she failed to submit the necessary medical opinion evidence to establish an injury in the performance of her job duties on February 7, 2015.

LEGAL PRECEDENT

An employee seeking benefits under FECA³ has the burden of establishing the essential elements of his or her claim by the weight of the reliable, probative, and substantial evidence, including the fact that the individual is an "employee of the United States" within the meaning of FECA and that the claim was timely filed within the applicable time limitation period of FECA, that an injury was sustained in the performance of duty as alleged, and that any disability or specific condition for which compensation is claimed is 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 upon a traumatic injury or an occupational disease.⁵

OWCP defines 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."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. First the employee must submit sufficient evidence to establish that he or she actually experienced the employment

³ 5 U.S.C. §§ 8101-8193.

⁴ *Kathryn Haggerty*, 45 ECAB 383, 388 (1994); *Elaine Pendleton*, 41 ECAB 1143 (1989).

⁵ *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁶ 20 C.F.R. § 10.5(ee).

incident at the time, place, and in the manner alleged.⁷ Second, the employee must submit sufficient evidence, generally only in the form a medical evidence, to establish that the employment incident caused a personal injury.⁸

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish that she sustained a traumatic injury due to her employment on February 7, 2015.

Appellant submitted a factual statement and witness statements that she fell to the floor from a platform on February 7, 2015 while moving mail at work. She alleged that she fractured her shoulder as the result of this incident. However, appellant has not provided a physician's opinion on what if any medical condition resulted from the employment-related fall. She submitted two return to work notes from Facey Medical Group which did not include a legible diagnosis, legible signature, or other information regarding her claim. The Board has held that a medical report may not be considered as probative medical evidence if there is no indication that the person completing the report qualifies as a physician as defined in 5 U.S.C. § 8101(2).⁹ Reports lacking proper identification do not constitute probative medical evidence.¹⁰ As the record does not contain medical evidence which provides a diagnosed condition and opines that the condition resulted from the February 7, 2015 employment incident, the Board finds that appellant has not met her burden of proof to establish that she sustained 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 has not met her burden of proof to establish that she sustained a traumatic injury in the performance of duty on February 7, 2015.

⁷ *John J. Carlone*, 41 ECAB 354 (1989).

⁸ *J.Z.*, 58 ECAB 529 (2007).

⁹ *V.R.*, Docket No. 14-1695 (issued January 9, 2015).

¹⁰ *Id.*

ORDER

IT IS HEREBY ORDERED THAT the April 3, 2015 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: September 15, 2015
Washington, DC

Christopher J. Godfrey, Chief Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

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