

FACTUAL HISTORY

On February 4, 2016 appellant, then a 61-year-old home living assistant, filed a traumatic injury claim (Form CA-1) alleging that on October 18, 2015 she was bitten by an insect on the top of her right hand while checking student luggage at work. She had a small hole on the top of her hand that developed increasing redness and swelling. Appellant stopped work on October 19, 2015.

By letter dated February 22, 2016, OWCP noted that no documentation had been received with appellant's claim form. It noted that there was no medical evidence with a diagnosis resulting from the alleged incident. OWCP advised appellant as to the medical and factual evidence required to support her claim and gave her 30 days to provide this information. It also requested that the employing establishment provide information regarding whether appellant was performing her official work duties at the time of the claimed injury and submit medical evidence if she had been treated at its medical facility.

In response to OWCP's letter, appellant submitted a March 7, 2016 letter in which she described the October 18, 2015 incident. At the time of injury, she was picking up a female student's duffle bag off the floor and checking inside the bag for disallowed items when she was bitten on her hand. Appellant noted a hole on the top of her hand. She tried unsuccessfully to locate what had bitten her hand.

By decision dated March 31, 2016, OWCP accepted that the October 18, 2015 incident occurred as alleged. However, it denied appellant's claim, because fact of injury was not established as no medical evidence had been submitted.

LEGAL PRECEDENT

An employee seeking benefits under FECA has the burden of proof to establish the essential elements of his or her claim by the weight of the reliable, probative and substantial evidence³ including that he or she sustained an injury in the performance of duty and that any specific condition or disability for work for which he or she claims compensation is causally related to that 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 fact of injury has been established.⁵ There are two components involved in establishing the 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.⁶

³ *J.P.*, 59 ECAB 178 (2007); *Joseph M. Whelan*, 20 ECAB 55, 58 (1968).

⁴ *G.T.*, 59 ECAB 447 (2008); *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

⁵ *S.P.*, 59 ECAB 184 (2007); *Alvin V. Gadd*, 57 ECAB 172 (2005).

⁶ *Bonnie A. Contreras*, 57 ECAB 364 (2006); *Edward C. Lawrence*, 19 ECAB 442 (1968).

The second component is whether the employment incident caused a personal injury and generally can be established only by medical evidence.⁷ The evidence required to establish causal relationship is rationalized medical opinion evidence, based upon a complete factual and medical background, showing a causal relationship between the claimed condition and the identified factors.⁸ The belief of the claimant that a condition was caused or aggravated by the employment is insufficient to establish a causal relationship.⁹

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish that she sustained a traumatic injury caused by the accepted October 18, 2015 employment incident. Appellant has submitted no medical evidence to establish that the accepted work incident caused or contributed to a diagnosed right hand condition.

In a February 22, 2016 letter, OWCP notified appellant of the deficiencies of her claim and requested additional factual and medical evidence. It afforded her 30 days to submit additional evidence and respond to its inquiries. The only evidence appellant submitted in response was a March 7, 2016 letter in which she described the accepted October 18, 2015 work incident. Appellant did not submit any medical evidence showing treatment or a diagnosis of a condition due to the accepted October 18, 2015 work incident. OWCP advised her in the February 22, 2016 letter that medical evidence was required to support her claim. Appellant did not submit the evidence requested by OWCP within the allotted time. As appellant has not submitted any medical evidence to support her allegation that she sustained a right hand injury related to the October 18, 2015 employment incident, she has failed to meet her burden of proof.¹⁰

On appeal, appellant contends that she sustained an employment-related right hand injury. OWCP denied her claim as she failed to submit any medical evidence. It is appellant's burden to submit the evidence required including, a medical opinion containing a diagnosis causally related to the employment incident.¹¹ Appellant did not satisfy her burden of proof.

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.

⁷ *John J. Carlone*, 41 ECAB 354 (1989); see 5 U.S.C. § 8101(5) (injury defined); 20 C.F.R. §§ 10.5(ee), 10.5(q) (traumatic injury and occupational disease defined, respectively).

⁸ *Lourdes Harris*, 45 ECAB 545 (1994); see *Walter D. Morehead*, 31 ECAB 188 (1979).

⁹ *Kathryn Haggerty*, 45 ECAB 383, 389 (1994).

¹⁰ See *Donald W. Wenzel*, 56 ECAB 390 (2005).

¹¹ *Id.*

CONCLUSION

The Board finds that appellant has failed to meet her burden of proof to establish a right hand injury causally related to the October 18, 2015 employment incident.

ORDER

IT IS HEREBY ORDERED THAT the March 31, 2016 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: November 1, 2016
Washington, DC

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

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

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board