

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ADAM B. CRANMORE and U.S. POSTAL SERVICE,
POST OFFICE, Oklahoma City, Okla.

*Docket No. 96-1201; Submitted on the Record;
Issued August 7, 1998*

DECISION and ORDER

Before MICHAEL E. GROOM, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant has established that he sustained a traumatic injury on December 1, 1995 in the performance of duty, causally related to factors of his federal employment.

On December 4, 1995 appellant, then a 33-year-old letter carrier, filed a claim alleging that on December 1, 1995 he accidentally hit a door with his knee on the way out of a house after delivering mail. Appellant alleged that he sustained a hairline fracture of the right knee cap. He did not stop work. The postmaster indicated that appellant was treated at the Webb Clinic. However, no medical evidence was submitted to the record.

By letter dated December 12, 1995, the Office of Workers' Compensation Programs advised that the information submitted was insufficient to establish that appellant sustained an injury, and it requested that he submit a physician's report including dates of examination and treatment, a history of injury, a detailed description of findings, a diagnosis, and a rationalized medical opinion explaining how the alleged work incident caused the injury claimed. The Office advised that the record would be held open for 20 days to afford appellant an opportunity to submit the necessary medical evidence. Nothing further was submitted by appellant.

By decision dated January 23, 1996, the Office rejected appellant's claim finding that the fact of injury had not been established. The Office noted that no medical evidence to establish that an injury occurred had been submitted.

The Board finds that appellant has failed to establish that he sustained a traumatic injury on December 1, 1995 in the performance of duty, causally related to factors of his federal employment.

An employee seeking benefits under the Federal Employees' Compensation Act¹ 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 the Act, that the claim was timely filed within the applicable time limitation period of the Act, that an injury was sustained 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.² These are essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.³

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 incident at the time and place and in the manner alleged.⁴ 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.⁵

In this case, the Office accepts that appellant experienced the employment incident at the time and place and in the manner alleged. However, appellant has submitted no medical evidence to establish that the employment incident caused a personal injury. As appellant failed to submit the medical evidence necessary to establish that he sustained a traumatic injury as alleged, he has failed to meet his burden of proof to establish his claim.

¹ 5 U.S.C. §§ 8101-8193.

² *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

³ *Victor J. Woodhams*, 41 ECAB 345 (1989); *Delores C. Ellyet*, 41 ECAB 992 (1990).

⁴ *John J. Carlone*, 41 ECAB 354 (1989). To establish that an injury occurred as alleged, the injury need not be confirmed by eyewitnesses, but the employee's statements must be consistent with the surrounding facts and circumstances and his subsequent course of action. In determining whether a *prima facie* case has been established, such circumstances as late notification of injury, lack of confirmation of injury, and failure to obtain medical treatment may, if otherwise unexplained, cast sufficient doubt on a claimant's statements. The employee has not met this burden when there are such inconsistencies in the evidence as to cast serious doubt on the validity of the claim. *Carmen Dickerson*, 36 ECAB 409 (1985); *Joseph A. Fournier*, 35 ECAB 1175 (1984); see also *George W. Glavis*, 5 ECAB 363 (1953).

⁵ *Id.* For a definition of the term "injury," see 20 C.F.R. §10.5(a)(14).

Accordingly, the decision of the Office of Workers' Compensation Programs dated January 23, 1996 is hereby affirmed.

Dated, Washington, D.C.
August 7, 1998

Michael E. Groom
Alternate Member

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member