

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of VALERIE D. HECKMAN and U.S. POSTAL SERVICE,
POST OFFICE, Clay, NY

*Docket No. 98-2540; Submitted on the Record;
Issued February 28, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
A. PETER KANJORSKI

The issue is whether appellant sustained a skin condition of her hands or torso in the performance of duty.

On April 9, 1998 appellant filed a claim for dryness and cracking of the skin of her hands. Appellant stated that her hands would crack and become extremely dry during the winter months, that to remedy this she began to wear latex gloves in 1997, that in November 1997 her hands started getting dry patches, that in December she broke out in a rash in other areas, that she then stopped wearing gloves, that her hands then got extremely dry and started to crack again, and that lotion was prescribed. Appellant submitted a report dated January 20, 1998 from a physician's assistant stating that the rash on her hands seemed to be associated with latex gloves she wore at work, and that a rash broke out on her hands and torso when she wore the gloves and improved when she stopped wearing them.

By letters dated June 2, 1998, the Office of Workers' Compensation Programs advised appellant that it needed further factual and medical evidence on her claim, including an opinion from a physician, not a physician's assistant, as to how the reported work incident caused or aggravated the claimed injury. By decision dated July 15, 1998, the Office found that appellant had not established that she sustained a job-related injury.

The Board finds that appellant has not established that she sustained a skin condition of her hands or torso in the performance of duty.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of his or her claim² including the fact that the

¹ 5 U.S.C. §§ 8101-8193.

² See *Daniel R. Hickman*, 34 ECAB 1220 (1983); 20 C.F.R. § 10.110.

individual is an “employee of the United States” within the meaning of the Act,³ that the claim was timely filed within the applicable time limitation period of the Act,⁴ 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.⁵

To accept fact of injury in a traumatic injury case, the Office, in addition to finding that the employment incident occurred in the performance of duty as alleged, must also find that the employment incident resulted in an “injury.” The term “injury” as defined by the Act, as commonly used, refers to some physical or mental condition caused either by trauma or by continued or repeated exposure to, or contact with, certain factors, elements or conditions.⁶ The question of whether an employment incident caused a personal injury generally can be established only by medical evidence.⁷

In the present case, appellant has established that she was an employee of the United States, that her claim was timely filed, and that she wore latex gloves in performing her duties as a rural carrier. At the time of the Office’s final decision, however, appellant had not submitted any medical evidence to support that her skin condition was related to her wearing of latex gloves.⁸ Although appellant submitted a report from a physician’s assistant, a physician’s assistant is not a “physician” within the meaning of section 8101(2) of the Act and therefore not competent to give a medical opinion.⁹

³ *James A. Lynch*, 32 ECAB 216 (1980); *see also* 5 U.S.C. § 8101(1).

⁴ 5 U.S.C. § 8122.

⁵ *See Daniel R. Hickman*, *supra* note 2.

⁶ *Elaine Pendleton*, 40 ECAB 1143 (1989).

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

⁸ Subsequent to the Office’s final decision, appellant submitted a medical report from a physician. However, as this medical report was not in the case record at the time of the Office’s final decision, it cannot, pursuant to 20 C.F.R. § 501.2(c), be reviewed by the Board on appeal.

⁹ *Guadalupe Julia Sandoval*, 30 ECAB 1491 (1979).

The decision of the Office of Workers' Compensation Programs dated July 15, 1998 is affirmed.

Dated, Washington, D.C.
February 28, 2000

Michael J. Walsh
Chairman

George E. Rivers
Member

A. Peter Kanjorski
Alternate Member