

FACTUAL HISTORY

On May 7, 2022 appellant, then a 21-year-old city carrier assistant, filed a traumatic injury claim (Form CA-1) alleging that on that date he sustained a head injury and whiplash when he struck a deer with his motor vehicle while in the performance of duty. He stopped work on the date of the claimed injury.

In a May 7, 2022 return-to-work note, physician assistant, Katherine McKrell, noted that appellant was treated in the emergency room that day, and was held off work until May 11, 2022.

In a June 1, 2022 development letter, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence necessary and provided a questionnaire for his completion. OWCP afforded appellant 30 days to submit the necessary evidence. No additional evidence was received.

By decision dated July 1, 2022, OWCP denied appellant's traumatic injury claim, finding that he had not established that a traumatic injury occurred in the performance of duty on May 7, 2022, as alleged. Consequently, it found that he had not met the requirements to establish an injury as defined by FECA.

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 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

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. There are two components involved in establishing fact of injury. The first component is that 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. The second component is

³ *Supra* note 1.

⁴ *F.H.*, Docket No. 18-0869 (issued January 29, 2020); *J.P.*, Docket No. 19-0129 (issued December 13, 2019); *Joe D. Cameron*, 41 ECAB 153 (1989).

⁵ *L.C.*, Docket No. 19-1301 (issued January 29, 2020); *J.H.*, Docket No. 18-1637 (issued January 29, 2020); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

whether the employment incident caused a personal injury and can be established only by medical evidence.⁶

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 or her subsequent course of action. The employee has not met his or her burden when there are such inconsistencies in the evidence as to cast serious doubt on the validity of the claim. Such circumstances as late notification of injury, lack of confirmation of injury, continuing to work without apparent difficulty following the alleged injury, and failure to obtain medical treatment may, if otherwise unexplained, cast sufficient doubt on the employee's statements in determining whether a *prima facie* case has been established.⁷ An employee's statement alleging that an injury occurred at a given time and in a given manner is of great probative value and will stand unless refuted by strong or persuasive evidence.⁸

ANALYSIS

The Board finds that appellant has not established a traumatic injury in the performance of duty on May 7, 2022, as alleged.

Appellant has not established the factual component of his claim as he has insufficiently explained how and where the claimed injury occurred. In his May 31, 2022 Form CA-1, he indicated that he sustained a head injury and whiplash when the vehicle he was driving struck a deer. Appellant, however, did not submit a detailed account of the alleged injury or any additional corroborating factual evidence describing how and where he sustained an injury on May 7, 2022. The Board has held that such a vague recitation of facts does not support a claimant's allegation that a specific event occurred to cause a work-related injury.⁹

In a June 1, 2022 development letter, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence necessary and provided a questionnaire for his completion. OWCP afforded appellant 30 days to submit the necessary evidence. No additional evidence was received.

As appellant has not provided a sufficient description of the alleged employment incident, the Board finds that he has not met his burden of proof to establish that an injury occurred in the

⁶ *T.H.*, Docket No. 19-0599 (issued January 28, 2020); *K.L.*, Docket No. 18-1029 (issued January 9, 2019); *John J. Carlone*, 41 ECAB 354 (1989).

⁷ *C.M.*, Docket No. 20-1519 (issued March 22, 2021); *Betty J. Smith*, 54 ECAB 174 (2002).

⁸ *See M.C.*, Docket No. 18-1278 (issued March 7, 2019); *D.B.*, 58 ECAB 464, 466-67 (2007).

⁹ *M.C., id.*; *M.B.*, Docket No. 11-1785 (issued February 15, 2012).

performance of duty, as alleged.¹⁰ Consequently, it is unnecessary to address the medical evidence of record regarding causal relationship.¹¹

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 established a traumatic injury in the performance of duty on May 7, 2022, as alleged.

ORDER

IT IS HEREBY ORDERED THAT the July 1, 2022 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: December 13, 2022
Washington, DC

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

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

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

¹⁰ *M.F.*, Docket No. 18-1162 (issued April 9, 2019); *H.D.*, Docket No. 15-1698 (issued May 4, 2016).

¹¹ *J.C.*, Docket No. 19-0542 (issued August 14, 2019); *see M.P.*, Docket No. 15-0952 (issued July 23, 2015); *Alvin V. Gadd*, 57 ECAB 172 (2005).