

In a November 25, 2019 development letter, OWCP requested that appellant clarify whether she was claiming a traumatic injury or an occupational disease. It subsequently received an undated attending physician's report (Form CA-20) from Dr. Jonathan Donigan, a Board-certified orthopedic surgeon, and a December 2, 2019 duty status report (Form CA-17) from an

unidentifiable healthcare provider indicating that her condition had been ongoing for several years, and her work had at least exacerbated, if not caused, carpal tunnel syndrome (CTS).

By decision dated December 30, 2019, OWCP denied appellant's traumatic injury claim, finding that she had not submitted sufficient evidence to establish that the events occurred as alleged. Thus, it concluded that the requirements had not been met to establish an injury as defined by FECA.

On February 1, 2020 appellant filed a request for reconsideration and attached a statement with excerpts from literature addressing CTS and a statement where she alleged that her condition was caused by repetitive motions required for sorting and loading mail and packages, tearing cards, and gripping, pulling, and pushing cage handles. In a February 11, 2020 narrative statement, she reiterated that her job required repetitive motion, and that she experienced progressively worsening hand pain and numbness while working over a period longer than a single workday or shift.¹ By decision dated April 30, 2020, OWCP denied modification of its prior decision.

Under FECA, although it is the employee's burden of proof to establish his or her claim, OWCP also has a responsibility in the development of the factual evidence.² It is the duty of the claims examiner to develop a claim based on the facts at hand and not solely on the basis of the type of claim form filed.³ The Federal (FECA) Procedure Manual provides that, if the actual benefits claimed cannot be determined from review of the form, OWCP should develop the claim based upon the claim form filed and direct questions to the claimant to determine the type of benefits claimed. Based upon the response to the development letter, OWCP should make a determination as to whether the correct claim was filed and, if not, it should convert the claim to the proper type of claim and notify both appellant and the employing establishment (and any representative, if applicable) of the conversion.⁴

Having reviewed the case record submitted by OWCP, the Board finds that this case is not in posture for a decision. OWCP appears to have sought to develop appellant's claim as one for a traumatic injury rather than one for an occupational disease. Appellant indicated a traumatic injury by filing a Form CA-1, but her narrative statement and the medical evidence of record provides support for an occupational disease injury. Consequently, OWCP should have converted the claim to an occupational disease and then notified her and the employing establishment of the conversion.⁵ The Board finds that OWCP failed to provide this necessary notification and instead denied appellant's traumatic injury claim, finding instead that she had not submitted sufficient

¹ A traumatic injury means a condition of the body caused by a specific event or incident, or series of events or incidents, within a single workday or shift. 20 C.F.R. § 10.5(ee). An occupational disease is defined as a condition produced by the work environment over a period longer than a single workday or shift. 20 C.F.R. § 10.5(q).

² *G.S.*, Docket No. 16-0908 (issued October 26, 2017); *Willie A. Dean*, 40 ECAB 1208, 1212 (1989); *Willie James Clark*, 39 ECAB 1311, 1318-19 (1988).

³ *Id.*

⁴ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Development of Claims*, Chapter 2.800.3(c)(2)(b) (June 2011); *C.f. S.N.*, Docket No. 12-1814 (issued March 11, 2013).

⁵ *Id.*

evidence to establish the factual portion of her claim.⁶ As OWCP continued to treat this claim as a traumatic injury claim, her history of exposure to the work environment over a period of time was not properly acknowledged as employment factors by OWCP, nor was proper notice of the claim conversion provided as is required.

Therefore, the case shall be remanded for conversion of the claim to one for an occupational disease followed by appropriate notice provided to appellant. Following this and any other further development deemed necessary, OWCP shall issue a *de novo* decision on appellant's claim for an occupational disease.

IT IS HEREBY ORDERED THAT the April 30, 2020 decision of the Office of Workers' Compensation Programs is set aside, and the case is remanded for further action consistent with this order of the Board.

Issued: June 22, 2022
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

A handwritten signature in dark ink, appearing to read "J. D. McGinley", written in a cursive style.

James D. McGinley, Alternate Judge
Employees' Compensation Appeals Board

⁶ See *A.J.*, Docket No. 18-0727 (issued February 2019).