

**United States Department of Labor
Employees' Compensation Appeals Board**

_____)
D.S., Appellant)

and)

U.S. POSTAL SERVICE, WEST ADAMS POST)
OFFICE, Los Angeles, CA, Employer)
_____)

**Docket No. 22-0257
Issued: September 9, 2022**

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:

ALEC J. KOROMILAS, Chief Judge
PATRICIA H. FITZGERALD, Deputy Chief Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On December 3, 2021 appellant filed a timely appeal from an August 5, 2021 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act¹ (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

ISSUE

The issue is whether appellant has met her burden of proof to establish an injury in the performance of duty, as alleged.

FACTUAL HISTORY

On May 28, 2021 appellant, then a 60-year-old letter carrier, filed an occupational disease claim (Form CA-2) alleging that she developed de Quervain's tenosynovitis in her right wrist due to the factors of her federal employment, including repetitive motions associated with delivering

¹ 5 U.S.C. § 8101 *et seq.*

mail. She noted that she first became aware of her condition and realized its relation to her federal employment on February 9, 2021. Appellant did not stop work.

In an amended Form CA-2 dated June 18, 2021, appellant amended the date that she first realized that her condition was caused or aggravated by her federal employment from February 9 to April 23, 2021.

Appellant submitted an undated medical report containing an illegible signature, which provided a diagnosis of right wrist pain due to de Quervain's tenosynovitis.

In a development letter dated June 24, 2021, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence required, including a detailed factual description of the alleged employment factors, and provided a questionnaire for her completion. In a separate development letter of even date, OWCP also requested that the employing establishment provide comments from a knowledgeable supervisor regarding the accuracy of appellant's statements. It afforded both parties 30 days to respond.

In a July 27, 2021 response, the employing establishment noted that appellant's official duties consist of casing and fingering mail for one hour per day and scanning letters and parcels for six hours per day, five days a week. It further explained that she reaches while casing mail and is afforded rest breaks during the workday. No additional evidence was received from appellant.

By decision dated August 5, 2021, OWCP denied appellant's occupational disease claim, finding that she had not established that the alleged factors of her federal employment occurred as described. Consequently, it found that she had not met the requirements to establish an injury as defined by FECA.

LEGAL PRECEDENT

An employee seeking benefits under FECA² has the burden of proof to establish the essential elements of his or her claim, including that the individual is an employee of the United States within the meaning of FECA, that the claim was timely filed within the applicable time limitation of FECA,³ that an injury was sustained in the performance of duty as alleged, and that any disability or medical condition for which compensation is claimed is 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 upon a traumatic injury or an occupational disease.⁵

² *Supra* note 1.

³ *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).

⁴ *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).

⁵ *P.A.*, Docket No. 18-0559 (issued January 29, 2020); *K.M.*, Docket No. 15-1660 (issued September 16, 2016); *Delores C. Ellyett*, 41 ECAB 992 (1990).

To establish that an injury was sustained in the performance of duty in an occupational disease claim, an employee must submit the following: (1) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; (2) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; and (3) medical evidence establishing that the diagnosed condition is causally related to the identified employment factors.⁶

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish an injury in the performance of duty, as alleged.

In her Form CA-2, appellant indicated that she developed de Quervain's tenosynovitis in her right wrist due to repetitive movements associated with delivering mail. OWCP, in its June 24, 2021 development letter, requested that she complete an attached questionnaire and provide a detailed factual description of the alleged employment factors. Appellant, however, did not respond to OWCP's June 24, 2021 development questionnaire.

Appellant has not provided a sufficient description of the alleged employment factors. The Board, therefore, finds that she has not met her burden of proof.⁷ As appellant has not met her burden of proof to establish that an injury occurred in the performance of duty, as alleged, it is unnecessary to address the medical evidence of record regarding causal relationship.⁸

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 met her burden of proof to establish an injury in the performance of duty, as alleged.

⁶ See *A.S.*, Docket No. 19-1766 (issued March 26, 2020); *R.G.*, Docket No. 19-0233 (issued July 16, 2019). See also *Roy L. Humphrey*, 57 ECAB 238, 241 (2005); *Ruby I. Fish*, 46 ECAB 276, 279 (1994); *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁷ *H.D.*, Docket No. 15-1698 (issued May 4, 2016).

⁸ *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).

ORDER

IT IS HEREBY ORDERED THAT the August 5, 2021 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: September 9, 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