

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

A.B., Appellant)	
)	
and)	Docket No. 24-0224
)	Issued: April 1, 2024
U.S. POSTAL SERVICE, SOUTHERN)	
MARYLAND PROCESSING & DISTRIBUTION)	
CENTER, Capitol Heights, MD, Employer)	
)	

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

Case Submitted on the Record

DECISION AND ORDER

Before:
ALEC J. KOROMILAS, Chief Judge
JANICE B. ASKIN, Judge
JAMES D. MCGINLEY, Alternate Judge

JURISDICTION

On January 3, 2024 appellant filed a timely appeal from an October 17, 2023 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 his burden of proof to establish a diagnosed medical condition in connection with the accepted employment incident.

FACTUAL HISTORY

On May 5, 2022 appellant, then a 40-year-old mail handler, filed a traumatic injury claim (Form CA-1) alleging that on October 20, 2021 he sustained a bilateral eye injury when dust went in both eyes as he was stacking pallets while in the performance of duty. He did not stop work.

¹ 5 U.S.C. § 8101 *et seq.*

Appellant submitted an unsigned “after visit summary,” noting that he was seen on October 27, 2021 by Dr. Sara Aggarwal, an optometrist. Other similar unsigned documents indicated that he was seen on November 22, 2021 by Dr. Ruby Parikh, a Board-certified ophthalmologist, for chalazion of the left upper eye and bilateral meibomian gland dysfunction, and on December 8, 2021 by Dr. Ayanna Beard, Board-certified in family practice, for chalazion of the right lower eye.

In a development letter dated May 24, 2022, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence needed and provided a questionnaire for his completion. OWCP afforded appellant 30 days to submit the necessary evidence. No response was received.

By decision dated June 27, 2022, OWCP accepted that appellant had established the occurrence of the October 20, 2021 employment incident, as alleged. However, it denied his claim, finding that he failed to establish a diagnosed medical condition in connection with the accepted October 20, 2021 employment incident. OWCP concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

On August 1, 2022 OWCP received a July 29, 2022 report wherein Dr. Howard I. Savage, a Board-certified ophthalmologist, indicated, “[Appellant] is a 40[-year-]old male who had exposure to dust at the workplace in October 2021. Subsequently Dr. Savage developed chronic meibomian gland eyelid disease with multiple styes/chalazia of both eyes’ eyelids.” He noted that the condition required several steroid injections, frequent cleaning, and eyelid ointment, and that it now was under better control.

On August 29, 2022 appellant requested reconsideration of the June 27, 2022 decision. In an August 15, 2022 statement, he discussed the circumstances of his filing of a Form CA-1 with his supervisor.

By decision dated November 22, 2022, OWCP modified its June 27, 2022 decision and denied his traumatic injury claim on the basis that he had not established the occurrence of the October 20, 2021 employment incident, as alleged.

On July 17, 2023 OWCP received an undated statement in which appellant discussed the filing of his claim and its handling by OWCP.

On July 24, 2023 appellant requested reconsideration of the November 22, 2022 decision. On August 22, 2023 OWCP received an August 21, 2023 statement wherein, J.C., appellant’s supervisor maintained that appellant did not advise her of his eye problems until January 19, 2022. In an October 5, 2023 statement, appellant further discussed the reporting of his eye condition to his supervisor. He submitted multiple photographs of the eye region, some of which bore the date stamp of October 27, 2021. Appellant also resubmitted Dr. Savage’s July 29, 2022 report.

By decision dated October 17, 2023, OWCP modified the November 22, 2022 decision and found that appellant had established the occurrence of the October 20, 2021 employment incident, as alleged. However, the claim remained denied, as the medical evidence of record was insufficient to establish a diagnosed medical condition in connection with the accepted October 20, 2021 employment incident.

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, 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.³ 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.⁴

To determine if an employee has sustained a traumatic injury in the performance of duty, OWCP begins with an analysis of whether fact of injury has been established. Fact of injury consists of two components that must be considered in conjunction with one another. The first component is whether the employee actually experienced the employment incident that allegedly occurred at the time and place, and in the manner alleged.⁵ The second component is whether the employment incident caused an injury.⁶

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue. The opinion of the physician must be based on a complete factual and medical background, must be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment incident.⁷

ANALYSIS

The Board finds that appellant has established a diagnosed medical condition in connection with the accepted employment incident.

Appellant submitted a July 29, 2022 report wherein Dr. Savage indicated, “[Appellant] is a 40[-year-]old male who had exposure to dust at the workplace in October 2021. Subsequently he developed chronic meibomian gland eyelid disease with multiple styes/chalazia of both eyes’ eyelids.”

² *F.H.*, Docket No. 18-0869 (issued January 29, 2020); *J.P.*, Docket No. 19-0129 (issued April 26, 2019); *Joe D. Cameron*, 41 ECAB 153 (1989).

³ *J.M.*, Docket No. 17-0284 (issued February 7, 2018); *R.C.*, 59 ECAB 427 (2008); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

⁴ *K.M.*, Docket No. 15-1660 (issued September 16, 2016); *L.M.*, Docket No. 13-1402 (issued February 7, 2014); *Delores C. Ellyett*, 41 ECAB 992 (1990).

⁵ *B.P.*, Docket No. 16-1549 (issued January 18, 2017); *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁶ *M.H.*, Docket No. 18-1737 (issued March 13, 2019); *John J. Carlone*, 41 ECAB 354 (1989).

⁷ *S.S.*, Docket No. 18-1488 (issued March 11, 2019).

The Board finds that Dr. Savage's July 29, 2022 report is sufficient to establish a diagnosed medical condition in connection with the accepted October 20, 2021 employment incident.⁸

As the medical evidence of record establishes a diagnosed medical condition, the case must be remanded for consideration of the medical evidence with regard to the issue of causal relationship.⁹ Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.

CONCLUSION

The Board finds that appellant has met his burden of proof to establish a diagnosed medical condition in connection with the accepted employment incident.

ORDER

IT IS HEREBY ORDERED THAT the October 17, 2023 decision of the Office of Workers' Compensation Programs is reversed, and the case is remanded for further proceedings consistent with this decision of the Board.

Issued: April 1, 2024
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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

⁸ See *E.T.*, Docket No. 22-1085 (issued January 18, 2023); *E.L.*, Docket No. 21-0587 (issued July 6, 2022); see also *T.C.*, Docket No. 17-0624 (issued December 19, 2017).

⁹ See *S.R.*, Docket No. 22-0453 (issued March 2, 2023); *S.A.*, Docket No. 20-1498 (issued March 11, 2021).