

while in the performance of duty. She stopped work on January 29, 2021 and returned to work on February 17, 2021.

In support of her claim, appellant submitted undated COVID-laboratory test result, which did not include identifying information. She also submitted a February 12, 2021 letter addressed to her from the Arkansas Department of Health, which officially confirmed that she was identified as testing positive for COVID-19. Appellant's symptom onset date was noted as February 5, 2021 and her test date as February 9, 2021. She was advised to remain in isolation until February 16, 2021.

In a May 3, 2022 development letter, OWCP informed appellant of the deficiencies of her COVID-19 claim. It advised her of the type of factual and medical evidence needed to establish her claim and afforded her 30 days to submit the necessary evidence. No response was received.

By decision dated June 16, 2022, OWCP denied appellant's claim, finding that the evidence of record was sufficient to establish a diagnosis of COVID-19.

On July 12, 2022 appellant requested reconsideration.

By decision dated August 3, 2022, OWCP denied modification of its June 16, 2022 decision.

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 period 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

Under section 4016 of the American Rescue Plan Act (ARPA) of 2021,⁶ any claim made for COVID-19 by or on behalf of a "covered employee" for benefits under FECA will be deemed to have an injury proximately caused by exposure to COVID-19 arising out of the nature of the covered employee's employment. A "covered employee" is defined by ARPA as an employee

² *Id.*

³ *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).

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).

⁶ Public Law 117-2 (March 11, 2021).

under 5 U.S.C. § 8101(a) and employed in the federal service at any time during the period beginning on January 27, 2020 and ending on January 27, 2023. Prior to a diagnosis of COVID-19, a “covered employee” must have carried out duties that required a physical interaction with at least one other person (a patient, member of the public, or a coworker); or otherwise have been subject to a risk of exposure to COVID-19.⁷

Exposure to COVID-19 alone is not sufficient to establish a work-related medical condition. Manifestation of COVID-19 must occur within 21 days of the covered exposure.⁸ To establish a diagnosis of COVID-19, a claimant must submit the following: (1) a positive Polymerase Chain Reaction (PCR) or Antigen COVID-19 test result; (2) a positive Antibody test result, together with contemporaneous medical evidence that the claimant had documented symptoms of and/or was treated for COVID-19 by a physician (a notice to quarantine is not sufficient if there was no evidence of illness); or (3) if no positive laboratory test is available, a COVID-19 diagnosis from a physician together with rationalized medical opinion supporting the diagnosis and an explanation as to why a positive test result is not available.⁹ Self-administered COVID-19 testing is insufficient to establish a diagnosis of COVID-19 under FECA unless the administration of the self-test is monitored by a medical professional and the results are verified through documentation submitted by such professional.¹⁰

ANALYSIS

The Board finds that appellant has met her burden of proof to establish a diagnosis of COVID-19.

In support of her claim, appellant submitted an undated COVID-19 laboratory test result. OWCP’s procedures provide that a positive PCR or Antigen COVID-19 test may be utilized to establish a diagnosis of COVID-19.¹¹ While the test result of record does not include identifying information, appellant also submitted a February 12, 2021 letter addressed to her from the Arkansas Department of Health, which officially identified her as testing positive for COVID-19. The state health department recorded her symptom onset date as February 5, 2021 and her test date as February 9, 2021. When read together, this evidence is sufficient to establish that appellant was diagnosed with COVID-19.¹²

⁷ FECA Bulletin No. 21-09 (issued April 28, 2021).

⁸ *Id.*

⁹ *Id.* at 21-10 (issued August 17, 2021).

¹⁰ *Id.* at 22-06 (issued February 16, 2022).

¹¹ *Id.*

¹² *See e.g., R.M., Docket No 20-0342* (issued July 30, 2020) (medical reports when read together contained a factual history sufficient to require further development of the medical evidence).

As the medical evidence of record is sufficient to establish a diagnosis of COVID-19, the Board finds that appellant has met her burden of proof. The case is remanded for payment of medical expenses and any attendant disability.

CONCLUSION

The Board finds that appellant has met her burden of proof to establish a diagnosis of COVID-19.

ORDER

IT IS HEREBY ORDERED THAT the August 3, 2022 decision of the Office of Workers' Compensation Programs is reversed. The case is remanded for further proceedings consistent with this decision of the Board.

Issued: February 1, 2024
Washington, DC

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

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

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