United States Department of Labor
Employees' Compensation Appeals Board

K.W., Appellant	)	
and	)	**Docket No. 25-0355**
	)	**Issued: April 2, 2025**
U.S. POSTAL SERVICE, PLAINVIEW POST OFFICE, Plainview, NY, 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
PATRICIA H. FITZGERALD, Deputy Chief Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On March 4, 2025 appellant filed a timely appeal from a February 7, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act[1] (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 a diagnosed medical condition in connection with the accepted November 22, 2024 employment incident.

FACTUAL HISTORY

On November 22, 2024 appellant, then a 66-year-old city carrier, filed a traumatic injury claim (Form CA-1) alleging that on that day she sustained bilateral leg injuries when a car struck

[1] 5 U.S.C. § 8101 *et seq*.

the mail vehicle she was loading, and pushed the vehicle into her legs while in the performance of duty. She stopped work on November 22, 2024 and returned to work on November 26, 2024.

OWCP received the first page of an authorization for examination and/or treatment (Form CA-16) for treatment at a local hospital, signed by an employing establishment official on November 22, 2024. The form noted that appellant's legs were struck by the back of a truck on November 22, 2024.

A November 22, 2024 work excuse note from Christina Agarunov, a physician assistant, indicated that appellant could return to work on November 26, 2024.

In a development letter dated December 2, 2024, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of additional medical evidence needed and afforded her 60 days to provide the requested evidence.

In response to OWCP's request, appellant resubmitted the November 22, 2024 work excuse note from Ms. Agarunov.

In a follow-up development letter dated January 6, 2025, OWCP advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish her claim. It noted that she had 60 days from the December 2, 2024 letter to submit the necessary evidence. OWCP further advised that if additional evidence was not received during this time, it would issue a decision based on the evidence contained in the record. No further evidence was received.

By decision dated February 7, 2025, OWCP denied appellant's traumatic injury claim, finding that the evidence of record was insufficient to establish a medical diagnosis in connection with the accepted November 22, 2024 employment incident. It concluded, therefore, that the requirements had not been met to establish an injury as defined under FECA.

LEGAL PRECEDENT

An employee seeking benefits under FECA[2] 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]

[2] *Id.*

[3] *T.D.*, Docket No. 25-0195 (issued February 5, 2025); *E.S.,* Docket No. 18-1580 (issued January 23, 2020); *M.E.,* Docket No. 18-1135 (issued January 4, 2019); *C.S.,* Docket No. 08-1585 (issued March 3, 2009); *Bonnie A. Contreras,* 57 ECAB 364 (2006).

[4] *J.M.*, Docket No. 25-0291 (issued February 26, 2025); *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).

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 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 not met her burden of proof to establish a diagnosed medical condition in connection with the accepted November 22, 2024 employment incident.

Appellant submitted a work excuse note from Ms. Agarunov, a physician assistant. The Board has held, however, that certain healthcare providers such as physician assistants, nurses, nurse practitioners, physical therapists, and social workers are not considered physicians as defined under FECA and their reports do not constitute competent medical evidence. Consequently, this evidence will not suffice for purposes of establishing entitlement to FECA benefits.[8]

As the evidence of record is insufficient to establish a diagnosed medical condition in connection with the accepted November 22, 2024 employment incident, the Board finds that appellant has not met her burden of proof.

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.

[5] *T.D.*, *supra* note 3; *B.P.*, Docket No. 16-1549 (issued January 18, 2017); *Elaine Pendleton*, 40 ECAB 1143 (1989).

[6] *B.P.*, *id.*; *Elaine Pendleton*, *id.*

[7] *T.D.*, *supra* note 3; *S.S.*, Docket No. 18-1488 (issued March 11, 2019).

[8] 5 U.S.C. § 8101(2) provides that a physician includes surgeons, osteopathic practitioners, podiatrists, dentists, clinical psychologists, optometrists, and chiropractors within the scope of their practice as defined by state law. *See* 5 U.S.C. § 8101(2); 20 C.F.R. § 10.5(t). *See also* Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.805.3a (May 2023); *L.S.*, Docket No. 19-1231 (issued March 30, 2021) (a physician assistant and nurse practitioner are not considered physicians as defined under FECA); *David P. Sawchuk*, 57 ECAB 316, 320 n.11 (2006) (lay individuals such as physician assistants, nurses, and physical therapists are not competent to render a medical opinion under FECA). *See also M.F.,* Docket No. 19-1573 (issued March 16, 2020) (physician assistants are not considered physicians as defined by FECA); *N.B.,* Docket No. 19-0221 (issued July 15, 2019) (reports from physician assistants have no probative value in establishing a claim as they are not considered physicians as defined under FECA).

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish a diagnosed medical condition in connection with the accepted November 22, 2024 employment incident.[9]

ORDER

IT IS HEREBY ORDERED THAT the February 7, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: April 2, 2025
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

[9] The Board notes that the employing establishment issued a Form CA-16. A completed Form CA-16 authorization may constitute a contract for payment of medical expenses to a medical facility or physician, when properly executed. The form creates a contractual obligation, which does not involve the employee directly, to pay for the cost of the examination or treatment regardless of the action taken on the claim. *See* 20 C.F.R. § 10.300(c); *J.J.,* Docket No. 24-0724 (issued July 20, 2024); *J.G.,* Docket No. 17-1062 (issued February 13, 2018); *Tracy P. Spillane,* 54 ECAB 608 (2003).