United States Department of Labor
Employees' Compensation Appeals Board

I.D., Appellant	)	
and	)	**Docket No. 25-0372**
	)	**Issued: April 11, 2025**
U.S. POSTAL SERVICE, NASHVILLE MAIN OFFICE WINDOW POST OFFICE, Nashville, TN, 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 February 21, 2025 appellant filed a timely appeal from September 3, 2024 merit decisions of the Office of Workers' Compensation Programs (OWCP).[1] Pursuant to the Federal

[1] Pursuant to the Board's *Rules of Procedure*, an appeal is considered filed when received by the Clerk of the Appellate Boards. 20 C.F.R. § 501.3(e)-(f). However, when the date of receipt would result in a loss of appeal rights, the appeal will be considered to have been filed as of the date of the U.S. Postal Service postmark or other carriers date markings. *Id*. at § 501.3(f)(1). If there is no such postmark or date marking, or it is illegible, then other evidence including, but not limited to, certified mail receipts, certificate of service, and affidavits, may be used to establish the mailing date. *Id*. The 180th day following OWCP's September 3, 2024 decisions was March 3, 2025. Appellant signed and dated her appeal on February 21, 2025, and it was received by the Clerk of the Appellate Boards on March 7, 2025. Because using March 7, 2025, the date the appeal was received by the Clerk of the Appellate Boards, would result in the loss of appeal rights, the date of the postmark is considered the date of filing. However, the envelope attached to appellant's February 21, 2025 appeal does not contain a postmark date or other carrier date markings. On that basis, the Board finds that appellant's appeal was timely filed on February 21, 2025, the date of her signature.

Employees' Compensation Act[2] (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.[3]

ISSUES

The issues are: (1) whether appellant has met her burden of proof to establish a left upper extremity condition causally related to the accepted April 3, 2024 employment incident; and (2) whether appellant has met her burden of proof to establish entitlement to continuation of pay (COP).

FACTUAL HISTORY

On April 5, 2024 appellant, then a 55-year-old mail handler, filed a traumatic injury claim (Form CA-1) alleging that on April 3, 2024 she injured her left hand and wrist while in the performance of duty. She noted that she experienced sharp throbbing pain in the middle of her left hand toward her left wrist after loading totes overfilled with magazines onto a conveyor belt, and that the pain worsened later in the day when she unloaded magazines from a feeder. Appellant stopped work on the date of the claimed injury. She requested COP.

In an emergency room report dated April 3, 2024, Dr. John-Ryan McAnnally, Board-certified in emergency medicine, noted that appellant related pain in the left hand "after lifting at work." He performed a physical examination, where he observed tenderness over the mid volar left wrist. Dr. McAnnally diagnosed a left-hand strain due to "overuse type mechanism." He recommended a wrist and thumb splint. In a duty status report (Form CA-17) of even date, Dr. McAnnally released appellant to return to work "non-weight bearing left hand until cleared by orthopedics."

X-rays of the left hand and wrist dated April 3, 2024 were negative for acute fracture. A small surgical anchor was noted within the distal ulna.

In a medical report dated May 1, 2024, Dr. Charles Kaelin, a Board-certified orthopedic surgeon, noted that appellant related complaints of numbness over the dorsal and volar left hand, which she attributed to lifting and moving magazines at work. He noted that she had a history of surgery to the left wrist in 1999, and that her current complaints were most significant at night. Dr. Kaelin performed a physical examination of the left hand and wrist, where he observed tenderness of the canal of Guyon; reduced strength with extension, flexion, and grip; and a positive Phalen's test. He also noted that Tinel's sign was positive in both hands. Dr. Kaelin diagnosed pain in the left hand, CTS of the left wrist, and left ulnar nerve entrapment. In a form report and Form CA-17 of even date, he released appellant to return to work effective May 2, 2024, with restrictions of no lifting greater than five pounds, no climbing, no more than 20 minutes per hour

[2] 5 U.S.C. § 8101 *et seq*.

[3] The Board notes that, following the issuance of the September 3, 2024 decisions, OWCP received additional evidence. However, the Board's *Rules of Procedure* provides: "The Board's review of a case is limited to the evidence in the case record that was before OWCP at the time of its final decision. Evidence not before OWCP will not be considered by the Board for the first time on appeal." 20 C.F.R. § 501.2(c)(1). Thus, the Board is precluded from reviewing this additional evidence for the first time on appeal. *Id*.

of fine manipulation, and no use of vibratory machinery. Dr. Kaelin also referred her for physical therapy.

On May 4, 2024 appellant accepted a job offer for a full-time modified mail handler. The duties of the position included scanning placards, waste mail, rewraps, and pressing the dumper button on the automated parcel and bundle sorter. The physical requirements of the position included no lifting, carrying, pushing, or pulling greater than five pounds, no more than 20 minutes per hour of repetitive use, and no climbing or operating vibratory machinery.

Appellant began physical therapy on May 17, 2024.

In a follow-up report dated June 6, 2024, Dr. Kaelin noted appellant's complaints and examination findings. He recommended an electromyography and nerve conduction velocity (EMG/NCV) study and maintained her work restrictions.

In a development letter dated July 1, 2024, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of additional factual and medical evidence needed and provided a questionnaire for her completion. OWCP also requested that appellant clarify whether she was claiming a traumatic injury or occupational disease and provided her with definitions for each type of claim. It afforded her 60 days to submit the necessary evidence. No additional evidence was received.

In a follow-up letter dated July 30, 2024, 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 July 1, 2024 letter to submit the requested necessary evidence. OWCP further advised that if the evidence was not received during this time, it would issue a decision based on the evidence contained in the record. Appellant did not respond.

By decision dated September 3, 2024, OWCP informed appellant that it had converted her traumatic injury claim to an occupational disease claim, noting that "you stated on the Form CA-1 that your medical conditions were caused by repetitive action from loading magazines." It denied the claim, finding that the evidence was insufficient to establish a causal relationship between appellant's diagnosed conditions and the accepted employment factors.

By separate decision also dated September 3, 2024, OWCP denied appellant's claim for COP, finding that she had claimed an occupational disease, not a traumatic injury as she alleged that her "medical conditions are caused by repetitive action from loading magazines." It advised her that this decision did not affect her entitlement to other compensation benefits.

LEGAL PRECEDENT -- ISSUE 1

An employee seeking benefits under FECA[4] 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

[4] *Supra* note 1.

limitation of FECA,[5] 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.[6] 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.[7]

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it first must be determined whether fact of injury has been established. There are two components involved in establishing fact of injury. First, the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time and place, and in the manner alleged. The second component is whether the employment incident caused an injury.[8]

The medical evidence required to establish a causal relationship between a claimed specific condition and an employment incident is rationalized medical opinion evidence.[9] The opinion of the physician must be based on a complete factual and medical background of the employee, 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 identified by the claimant.[10]

ANALYSIS -- ISSUE 1

Initially, the Board notes that, in her Form CA-1, appellant alleged an injury to her left hand and wrist due to repetitive activities performed on April 3, 2024. A traumatic injury is defined as a "condition of the body caused by a specific event or incident, or series of events or incidents, within a single workday or shift."[11] An occupational disease is defined as a condition produced by the work environment over a period longer than a single workday or shift.[12] As

[5] *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).

[6] *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).

[7] *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).

[8] *T.H.*, Docket No. 19-0599 (issued January 28, 2020); *K.L.*, Docket No. 18-1029 (issued January 9, 2019); *John J. Carlone*, 41 ECAB 354 (1989).

[9] *S.S.*, Docket No. 19-0688 (issued January 24, 2020); *A.M.*, Docket No. 18-1748 (issued April 24, 2019); *Robert G. Morris*, 48 ECAB 238 (1996).

[10] *A.S.*, Docket No. 19-1955 (issued April 9, 2020); *Leslie C. Moore*, 52 ECAB 132 (2000).

[11] 20 C.F.R. § 10.5(ee).

[12] *Id.* at § 10.5(q).

appellant has claimed an injury due to incidents which occurred within a single workday or shift, the Board finds that she has made a claim for a traumatic injury.[13]

The Board further finds, however, that appellant has not met her burden of proof to establish a left upper extremity condition causally related to the accepted April 3, 2024 employment incident.

In support of her claim, appellant submitted an April 3, 2024 emergency room report by Dr. McAnnally, who noted that she related pain in the left hand "after lifting at work." He diagnosed a left-hand strain due to "overuse type mechanism." However, Dr. McAnnally did not explain a pathophysiological process of how the accepted employment incident caused or contributed to the diagnosed condition. The Board has held that a medical opinion should offer a medically-sound and rationalized explanation by the physician of how the specific employment incident physiologically caused or aggravated the diagnosed conditions.[14] Medical evidence, which does not explain the nature of the relationship between the diagnosed condition and the specific employment incident, is insufficient to meet the claimant's burden of proof.[15] As such, Dr. McAnnally's report is insufficient to meet appellant's burden.

In his May 1 and June 6, 2024 medical reports, Dr. Kaelin noted that appellant related complaints of numbness over the dorsal and volar left hand, which she attributed to lifting and moving magazines at work. He diagnosed pain in left hand, CTS of the left wrist, and left ulnar nerve entrapment, but did not provide an opinion as to the cause of the conditions. The Board has held that medical evidence that does not offer an opinion regarding the cause of an employee's condition is of no probative value on the issue of causal relationship.[16] Therefore, the reports of Dr. Kaelin are insufficient to meet appellant's burden of proof.

Appellant also submitted x-rays dated April 3, 2024 and physical therapy reports. Diagnostic studies, standing alone, lack probative value on causal relationship as they do not address whether employment factors caused the diagnosed condition.[17] In addition, the Board has held that certain healthcare providers such as physical therapists are not considered physicians as

[13] *Supra* note 11.

[14] *See V.D.*, Docket No. 20-0884 (issued February 12, 2021); *Y.D.*, Docket No. 16-1896 (issued February 10, 2017).

[15] *Id*.

[16] *D.C.*, Docket No. 19-1093 (issued June 25, 2020); *see L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

[17] *A.D.*, Docket No. 24-0770 (issued October 22, 2024); *T.L., supra* note 18; *C.S.*, Docket No. 19-1279 (issued December 30, 2019).

defined under FECA and, therefore, are not competent to provide a medical opinion.[18] Therefore, this evidence is of no probative value and is insufficient to establish appellant's claim.

As the medical evidence of record is insufficient to establish a left upper extremity condition causally related to the accepted April 3, 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.

LEGAL PRECEDENT -- ISSUE 2

Section 8118(a) of FECA authorizes COP, not to exceed 45 days, to an employee who has filed a claim for a period of wage loss due to a traumatic injury with his or her immediate superior on a form approved by the Secretary of Labor within the time specified in section 8122(a)(2) of this title.[19] This latter section provides that written notice of injury shall be given within 30 days.[20] The context of section 8122 makes clear that this means within 30 days of the injury.[21]

OWCP's regulations provide that to be eligible for COP, an employee must: (1) have a traumatic injury which is job related and the cause of the disability and/or the cause of lost time due to the need for medical examination and treatment; (2) file Form CA-1 within 30 days of the date of the injury; and (3) begin losing time from work due to the traumatic injury within 45 days of the injury.[22]

ANALYSIS -- ISSUE 1

The Board finds that appellant has not met her burden of proof to establish entitlement to COP.

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[18] Section 8101(2) of FECA provides that medical opinions can only be given by a qualified physician. This section defines a physician as surgeons, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, and osteopathic practitioners within the scope of their practice as defined by state law. 5 U.S.C. § 8101(2); 20 C.F.R. § 10.5(t). *See* Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.805.3a(1) (May 2023); *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 I.P.*, Docket No. 24-0121 (issued March 11, 2024) (physical therapists are not considered physicians as defined under FECA); *L.S.*, Docket No. 19-1768 (issued March 24, 2020) (physical therapists are not considered physicians under FECA).

[19] *Supra* note 1 at § 8118(a).

[20] *Id.* at § 8122(a)(2).

[21] *E.M.*, Docket No. 20-0837 (issued January 27, 2021); *J.S.*, Docket No. 18-1086 (issued January 17, 2019); *Robert M. Kimzey*, 40 ECAB 762, 763-64 (1989); *Myra Lenburg*, 36 ECAB 487, 489 (1985).

[22] 20 C.F.R. § 10.205(a)(1-3); *see also N.C.*, Docket No. 22-1362 (issued April 3, 2023); *T.S.*, Docket No. 19-1228 (issued December 9, 2019); *J.M.*, Docket No. 09-1563 (issued February 26, 2010); *Dodge Osborne*, 44 ECAB 849 (1993); *William E. Ostertag*, 33 ECAB 1925 (1982).

By decision dated September 3, 2024, OWCP denied appellant's request for COP, finding that she had filed an occupational disease claim as opposed to a traumatic injury claim. However, as appellant's alleged injury occurred over the course of a single workday or shift, it is a traumatic injury.[23]

As noted above, OWCP's regulations provide, in pertinent part, that to be entitled to COP, an employee must: (1) have a traumatic injury which is job related and the cause of the disability and/or the cause of lost time due to the need for medical examination and treatment; (2) file Form CA-1 within 30 days of the date of the injury (if that form is not available, using another form would not alone preclude receipt); and (3) begin losing time from work due to the traumatic injury within 45 days of the injury.[24]

In light of the Board's finding that the evidence of record is insufficient to establish a left upper extremity condition causally related to the accepted April 3, 2024 employment incident, the Board finds that appellant has not met her burden of proof to establish entitlement to COP.[25]

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 a left upper extremity condition causally related to the accepted April 3, 2024 employment incident. The Board further finds that appellant has not met her burden of proof to establish entitlement to COP.

[23] *Supra* note 11.

[24] *Supra* note 22.

[25] *Id*. at § 10.205(a)(1).

ORDER

IT IS HEREBY ORDERED THAT the September 3, 2024 decisions of the Office of Workers' Compensation Programs are affirmed, as modified.

Issued: April 11, 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