

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

D.O., Appellant

and

**U.S. POSTAL SERVICE, HAYWARD POST
OFFICE, Hayward, CA, Employer**

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**Docket No. 25-0681
Issued: August 21, 2025**

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

VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On July 4, 2025 appellant filed a timely appeal from a May 21, 2025 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 diagnosis of COVID-19 causally related to the accepted employment exposure.

FACTUAL HISTORY

On March 11, 2023 appellant, then a 60-year-old bulk mail clerk, filed an occupational disease claim (Form CA-2) alleging that on March 4, 2023 he contracted COVID-19 as a result of factors of his federal employment including contact with customers and coworkers. He noted

¹ 5 U.S.C. § 8101 *et seq.*

that he first became aware of his condition and realized its relation to his federal employment on March 4, 2023. He stopped work on March 6, 2023.

In a March 5, 2023 work status report, Dr. Lien Le Greene, a family practitioner, indicated that she examined appellant due to symptoms arising on March 4, 2023. She opined that he was totally disabled from March 4 through 9, 2023. Dr. Greene related that appellant could return to work on March 10, 2023 if his symptoms had resolved and an antigen test on day five was negative. In a March 9, 2023 report, Dr. Satjit Kaur Sanghera, a Board-certified family practitioner, indicated that appellant was totally disabled from work for the period March 10 through 14, 2023.

Appellant provided a photograph of a COVID-19 home test which had a line indicating a positive test result for COVID-19.

In a development letter dated March 17, 2023, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence needed to establish his claim and provided a questionnaire for his completion. OWCP afforded appellant 60 days to respond. It requested that the employing establishment “provide all available assistance to obtain the supporting documentation necessary to facilitate this claim.” In a separate development letter of even date, OWCP requested factual information from the employing establishment regarding appellant’s claim, including comments from a knowledgeable supervisor. It afforded the employing establishment 30 days to respond.

Appellant completed OWCP’s development questionnaire on April 5, 2023 and described his work exposure to COVID-19.

On March 14, 2023 Dr. Greene opined that appellant was totally disabled from March 15 through 17, 2023. In a March 28, 2023 note, she related that appellant tested positive for a COVID-19 infection on March 5, 2023, which was sufficient for diagnosis. Dr. Greene recounted that appellant was exposed to COVID-19 at work, by a coworker that was diagnosed with the infection, he had no nonemployment exposure, and that he had sustained the infection at work.

In a follow-up letter dated April 13, 2023, OWCP advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish his claim. It noted that he had 60 days from the March 17, 2023 letter to submit the 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.

On April 17, 2023 the employing establishment related that appellant did not work from February 24 through 28, 2023. Appellant returned to work from March 1 through 3, 2023. The employing establishment denied any direct knowledge of appellant’s exposure to a coworker with COVID-19 and denied that there were any coworkers having reported testing positive for COVID-19 during the period that appellant alleged that he was exposed. It reported that appellant assisted customers at a Dutch door which had a plexiglass shield.

In an undated statement, S.M., a letter carrier at the employing establishment, asserted that he had contracted COVID-19 on Monday, March 6, 2023 and used leave for 13 days. On

April 26, 2023 I.D., a letter carrier, asserted that he was diagnosed with COVID-19 on February 23, 2023. On April 25, 2023 a group of 14 of appellant's coworkers signed a statement asserting that there was constant face-to-face and other physical contact with customers around and under the plexiglass protector shield. In a May 5, 2023 statement, O.M., a postal dispatcher clerk, asserted that he was sick on February 14, 2023, but was not tested for COVID-19.

On May 8, 2023 appellant underwent a COVID-19 antibody test which was negative.

In a May 10, 2023 statement, W.S., a friend, related that in February 2023 appellant helped his girlfriend move rather than interacting with the general population.

On May 11, 2023 appellant completed a statement describing his activities from February 18 through 28, 2023. He asserted that he helped his girlfriend move but had no assistance or outside contact during this time. Appellant alleged that two coworkers tested positive at the time of his exposure period. He asserted that he likely contracted COVID-19 at work.

By decision dated May 19, 2023, OWCP denied appellant's occupational disease claim. It found that he had not submitted medical evidence sufficient to establish that his diagnosed COVID-19 condition was causally related to the accepted employment exposure.

On May 10, 2024 appellant requested reconsideration. In a June 19, 2023 report, Dr. Greene asserted that on March 5, 2023 appellant tested positive for COVID-19. She recounted his statements that coworkers were diagnosed with COVID-19 on February 23 and March 6, 2023. Dr. Greene related that appellant did not attend social events during the incubation period and "that it is likely and possible he contracted it at during this time frame as it is the same contagious period." Appellant also provided a statement from L.I., his girlfriend, who asserted that she had contracted COVID-19 in December 2022.

By decision dated May 20, 2024, OWCP denied modification.

On May 13, 2025 appellant requested reconsideration. In a May 2, 2025 note, Dr. Greene reported that in March 2023 appellant tested positive for COVID-19. She related that appellant's coworkers tested positive for COVID-19 during the same time frame. Dr. Greene concluded, "It is my professional opinion that he probably contracted COVID-19 at his place of employment."

Appellant provided a May 12, 2025 statement noting that he had contracted COVID-19 and had a positive test result on July 9, 2024, but did not file a claim with OWCP as his exposure was not limited at that time.

By decision dated May 21, 2025, OWCP denied modification.

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

² *Id.*

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 while 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 on a traumatic injury or an occupational disease.⁵

To establish a claim for COVID-19 diagnosed after January 27, 2023, a claimant must provide: (1) evidence of a COVID-19 diagnosis; (2) evidence that establishes the claimant actually experienced the employment incident(s) or factor(s) alleged to have occurred; (3) evidence that the alleged incident(s) or factor(s) occurred while in the performance of duty; and (4) evidence that the COVID-19 condition is found by a physician to be causally related to the accepted employment incident(s) or factor(s). A rationalized medical report establishing a causal link between a diagnosis of COVID-19, and the accepted employment incident(s)/factor(s) is required in all claims for COVID-19 diagnosed after January 27, 2023.⁶

ANALYSIS

The Board finds that appellant has met his burden of proof to establish a diagnosis of COVID-19 causally related to the accepted employment exposure.

In a March 28, 2023 note, Dr. Greene related that appellant tested positive for a COVID-19 infection on March 5, 2023, which was sufficient for diagnosis. She recounted that appellant was exposed to COVID-19 at work, by a coworker that was diagnosed with the infection, he had no nonemployment exposure, and that he had sustained the infection at work. This evidence, therefore, establishes a causal link between a diagnosis of COVID-19 and the accepted employment exposure.⁷

³ *C.B.*, Docket No. 21-1291 (issued April 28, 2022); *S.C.*, Docket No. 18-1242 (issued March 13, 2019); *J.P.*, 59 ECAB 178 (2007); *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); *T.E.*, Docket No. 18-1595 (issued March 13, 2019); *Delores C. Ellyett*, 41 ECAB 992 (1990).

⁶ FECA Bulletin No. 23-02 (issued December 15, 2022). In accordance with the Congressional intent to end the specialized treatment of COVID-19 claims for federal workers' compensation under section 4016 of the American Rescue Plan Act (ARPA) of 2021, Public Law 117-2 (March 11, 2021), OWCP issued FECA Bulletin No. 23-02, which updated its procedures for processing claims for COVID-19 diagnosed after January 27, 2023.

⁷ See FECA Bulletin No. 23-02 (issued December 15, 2022). The Board notes the unique nature of COVID-19 as a highly contagious, airborne disease. As such, the Board recognizes that a medical opinion containing a pathophysiological explanation may be difficult to obtain under these circumstances. See also *A.D.*, Docket No. 25-0553 (issued July 30, 2025); *A.H.*, Docket No. 23-1171 (issued September 23, 2024); *M.M.*, Docket No. 24-0615 (issued September 23, 2024); *M.M.*, Docket No. 24-0765 (issued September 23, 2024); *S.I.*, Docket No. 24-0509 (issued September 23, 2024).

As the medical evidence of record is sufficient to establish causal relationship between appellant's diagnosis of COVID-19 and the accepted employment exposure, the Board finds that appellant has met her burden of proof.⁸ The case shall, therefore, be remanded for payment of medical expenses and any attendant disability.

CONCLUSION

The Board finds that appellant has met his burden of proof to establish a diagnosis of COVID-19 causally related to the accepted employment exposure.

ORDER

IT IS HEREBY ORDERED THAT the May 21, 2025 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: August 21, 2025
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board

⁸ *Id.*; see generally *D.M. (T.M.)*, Docket No. 19-0358 (issued March 19, 2020).