

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

D.S., Appellant)	
)	
)	
and)	Docket No. 25-0684
U.S. POSTAL SERVICE, WAHOO POST OFFICE, Wahoo, NE, Employer)	Issued: August 14, 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 9, 2025 appellant filed a timely appeal from an April 3, 2025 merit decision and a May 28, 2025 nonmerit 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.

ISSUES

The issues are: (1) whether appellant has met her burden of proof to establish a medical diagnosis in connection with the accepted December 19, 2024 employment incident; and (2) whether OWCP properly denied appellant's request for reconsideration of the merits of her claim, pursuant to 5 U.S.C. § 8128(a).

FACTUAL HISTORY

On January 20, 2025 appellant, then a 61-year-old rural carrier, filed a traumatic injury claim (Form CA-1) alleging that on December 19, 2024 she injured her face, head, and left

¹ 5 U.S.C. § 8101 *et seq.*

shoulder while in the performance of duty. She noted that she lost her footing on an uneven driveway and fell, hitting her head, left shoulder, and face, while wearing glasses. On the reverse side of the claim form, the employing establishment confirmed that appellant was in the performance of duty when the incident occurred and that its knowledge of the facts about the injury agreed with appellant's statements. Appellant stopped work on the date of injury and returned to work on December 22, 2024.

In a January 29, 2025 development letter, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence needed to establish her claim and provided a questionnaire for her completion. OWCP afforded appellant 60 days to submit the necessary evidence.

OWCP thereafter received a December 19, 2024 rescue squad report, which indicated that appellant had a two-centimeter laceration above her left eyelid and complained of head and left shoulder pain. According to the report, appellant related that she tripped and fell onto her forehead while walking down a driveway on her mail route, and her glasses cut her eyelid. The report noted a primary impression of injury to the head and a secondary impression of injury to the shoulder or upper arm.

In a follow-up letter dated February 26, 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 January 29, 2025 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.

OWCP thereafter received a December 19, 2024 x-ray of the left shoulder, which was negative for acute fracture or malalignment.

By decision dated April 3, 2025, OWCP denied appellant's traumatic injury claim, finding that the evidence of record was insufficient to establish a diagnosed medical condition in connection with the accepted December 19, 2024 employment incident. Thus, it concluded that the requirements to establish an injury, as defined by FECA, had not been met.

On May 12, 2025 appellant requested reconsideration of OWCP's April 3, 2025 decision.

By decision dated May 28, 2025, OWCP denied appellant's request for reconsideration of the merits of her claim, pursuant to 5 U.S.C. § 8128(a).

LEGAL PRECEDENT -- ISSUE 1

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,³ that an injury was sustained in the performance of duty as alleged, and that

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).

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

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. The first component is that the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time, place, and in the manner alleged. The second component is whether the employment incident caused an injury.⁶

The medical evidence required to establish causal relationship between a claimed specific condition and an employment incident is rationalized medical opinion evidence.⁷ 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 specific employment incident identified by the employee.⁸

ANALYSIS -- ISSUE 1

The Board finds that appellant has met her burden of proof to establish a laceration above her left eyelid connected to the accepted December 19, 2024 employment incident.

OWCP found that the December 19, 2024 employment incident occurred at the time, place and in the manner alleged. A December 19, 2024 rescue squad report indicated that appellant had a two-centimeter laceration above her left eyelid. OWCP's procedures provide that if a condition reported is a minor one, such as a burn, laceration, insect sting, or animal bite, which can be identified on visual inspection by a lay person, and is reported promptly, a case may be accepted without a medical report.⁹ As the evidence of record establishes that the accepted May 4, 2024 employment incident resulted in a visible injury, the Board finds that appellant has met her burden

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 *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).

⁷ *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).

⁸ *P.C.*, Docket No. 20-0855 (issued November 23, 2020); *Y.S.*, Docket No. 18-0366 (issued January 22, 2020); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

⁹ See Federal (FECA) Procedure Manual, Part 2 -- Claims, *Initial Development of Claims*, Chapter 2.800.6a (May 2023); Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.805.3c (May 2023). See also *R.H.*, Docket No. 20-1684 (issued August 27, 2021); *A.J.*, Docket No. 20-0484 (issued September 2, 2020).

of proof to establish a laceration above her left eyelid.¹⁰ Consequently, the case must be remanded for consideration of the medical evidence as to whether appellant has met her burden of proof to establish that her diagnosed medical condition is causally related to the accepted May 4, 2024 employment incident. Following this and other such further development as deemed necessary, it shall issue a *de novo* decision on the issue of causal relationship.

CONCLUSION

The Board finds that appellant has met her burden of proof to establish a laceration above her left eyelid causally related to the accepted December 19, 2024 employment incident.¹¹

ORDER

IT IS HEREBY ORDERED THAT the April 3, 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. The May 28, 2025 decision of the Office of Workers' Compensation Programs is set aside as moot.

Issued: August 14, 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

¹⁰ See *D.M.*, Docket No. 25-0506 (issued June 23, 2025); *J.C.*, Docket No. 21-0406 (issued November 5, 2021); *R.H.*, *id.*; *A.J.*, *id.*; see also *W.R.*, Docket No. 20-1101 (issued January 26, 2021); *S.K.*, Docket No. 18-1411 (issued July 22, 2020).

¹¹ In light of the Board's disposition of Issue 1, Issue 2 is rendered moot.