

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

R.S., Appellant)
and) **Docket No. 25-0901**
DEPARTMENT OF JUSTICE, FEDERAL)
BUREAU OF PRISONS, FEDERAL)
CORRECTIONAL INSTITUTION MARIANNA,)
Marianna, FL, Employer)
Issued: December 29, 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 September 22, 2025 appellant filed a timely appeal from September 11, 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.²

¹ 5 U.S.C. § 8101 *et seq.*

² The Board notes that, following the issuance of the September 11, 2025 decision and on appeal, 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.*

ISSUE

The issue is whether appellant has met his burden of proof to establish a medical diagnosis in connection with the accepted employment factors.

FACTUAL HISTORY

On June 13, 2025 appellant, then a 54-year-old supervisory recreation specialist, filed an occupational disease claim (Form CA-2) alleging that he developed pain and swelling in the ankles, knees, and hips due to factors of his federal employment including wearing duty belts, using force, and walking on concrete. He noted that he first became aware of his condition on March 30, 2021, and realized its relationship to his federal employment on June 13, 2025. Appellant did not stop work.

In a June 18, 2025 development letter, OWCP informed appellant of the deficiencies of his claim. It advised him as to the type of factual and medical evidence required and provided a questionnaire for his completion. OWCP afforded appellant 60 days to submit the necessary evidence. In a separate development letter of even date, it requested additional information from the employing establishment, including comments from a knowledgeable supervisor regarding the accuracy of appellant's statements, and factual and medical evidence related to his duties the course of his federal employment. OWCP afforded the employing establishment 30 days to respond.

A position description for a supervisory recreation specialist was submitted.

In a July 2, 2025 response to OWCP's development letter, appellant described his federal job duties including running to emergencies, physically intervening to end inmate altercations, walking up and down stairs with weighted equipment, bending, stooping, and crawling to search for contraband, wearing a weighted duty belt and vest, standing for extended periods of time, participating in use of force team to regain control of combative or resisting inmates, serve on the disturbance control team including dragging and running with heavy equipment, and serving on the special operation response team which required running and rappelling with weighted equipment and physically demanding drills.

In a follow-up letter dated July 31, 2025, 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 June 18, 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. No additional evidence was received.

By decision dated September 11, 2025, OWCP denied appellant's occupational disease claim, finding that the medical evidence of record was insufficient to establish a medical diagnosis in connection with the accepted employment factors. It concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

LEGAL PRECEDENT

An employee seeking benefits under FECA³ has the burden of proof to establish the essential elements of his or her claim, including the fact 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.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.

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit: (1) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; (2) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; and (3) rationalized medical evidence establishing that the diagnosed condition is causally related to the identified employment factors.⁵

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.⁶ 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 factors.⁷

ANALYSIS

The Board finds that appellant has not met his burden of proof to establish a medical diagnosis in connection with the accepted factors of his federal employment.

Appellant related that he developed a medical condition involving his ankles, knees, and hips from repetitive job duties including running, stair climbing, and standing with weighted equipment, physically intervening to end inmate altercations, bending, stooping, and crawling, participating in use of force team to regain control of combative or resisting inmates, serve on the disturbance control team including dragging and running with heavy equipment, and serving on the special operation response team which required running and rappelling with weighted

³ *Supra* note 1.

⁴ *K.M.*, Docket No. 24-0752 (issued October 16, 2024); *C.K.*, Docket No. 19-1549 (issued June 30, 2020); *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁵ *M.Y.*, Docket No. 24-0865 (issued October 18, 2024); *L.D.*, Docket No. 19-1301 (issued January 29, 2020); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

⁶ *E.K.*, Docket No. 25-0077 (issued January 21, 2025); *I.J.*, Docket No. 19-1343 (issued February 26, 2020); *T.H.*, 59 ECAB 388 (2008); *Robert G. Morris*, 48 ECAB 238 (1996).

⁷ *P.V.*, Docket No. 25-0547 (issued June 23, 2025); *S.W.*, Docket No. 25-0261 (issued February 24, 2025); *D.W.*, Docket No. 24-0492 (issued January 14, 2025); *D.J.*, Docket No. 19-1301 (issued January 29, 2020); *A.T.*, Docket No. 18-0221 (issued June 7, 2018).

equipment and physically demanding drills. In June 18 and July 31, 2025 development letters, OWCP advised him of the deficiencies of his claim and the need to submit supporting medical evidence. However, appellant failed to submit any medical evidence in support of his claim.

As the evidence of record is devoid of medical evidence establishing a medical diagnosis in connection with the accepted employment factors, the Board finds that appellant did not meet his burden of proof.⁸

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 and 20 C.F.R. §§ 10.605 through 10.607.

CONCLUSION

The Board finds that appellant has not met his burden of proof to establish a medical diagnosis in connection with the accepted factors of his federal employment.

ORDER

IT IS HEREBY ORDERED THAT the September 11, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: December 29, 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 See *J.W.*, Docket No. 24-0028 (issued December 20, 2024); *D.S.*, Docket No. 25-0034 (issued November 18, 2024); *A.C.*, Docket No. 22-1195 (issued January 18, 2023); *M.D.*, Docket No. 18-0195 (issued September 13, 2018).