

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

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<b>J.C., Appellant</b>	)	
	)	Docket No. 25-0420
and	)	Issued: June 18, 2025
	)	
<b>U.S. POSTAL SERVICE, COMMERCE POST OFFICE, Las Cruces, NM, Employer</b>	)	
	)	

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*Appearances:*  
*Appellant, pro se*  
*Office of Solicitor, for the Director*

*Case Submitted on the Record*

**DECISION AND ORDER**

Before:  
PATRICIA H. FITZGERALD, Deputy Chief Judge  
JANICE B. ASKIN, Judge  
VALERIE D. EVANS-HARRELL, Alternate Judge

**JURISDICTION**

On March 24, 2025 appellant filed a timely appeal from a December 11, 2024 merit decision of the Office of Workers' Compensation Programs (OWCP).<sup>1</sup> Pursuant to the Federal Employees' Compensation Act<sup>2</sup> (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.<sup>3</sup>

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<sup>1</sup> The Board notes that appellant requested an appeal of a purported November 13, 2024 decision. However, there is no final adverse decision of that date found in the case record. The most recent final adverse decision issued prior to the filing of his appeal on March 24, 2025 was OWCP's December 11, 2024 decision. As OWCP's December 11, 2024 decision was issued within 180 days of this appeal, the Board has jurisdiction over that decision. 20 C.F.R. § 501.3.

<sup>2</sup> 5 U.S.C. § 8101 *et seq.*

<sup>3</sup> The Board notes that, following the December 11, 2024 decision, appellant submitted additional evidence to OWCP and to the Board on appeal. However, the Board's *Rules of Procedures* 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 diagnosed medical condition in connection with the accepted August 4, 2024 employment incident.

## **FACTUAL HISTORY**

On August 8, 2024 appellant, then a 40-year-old rural carrier associate, filed a traumatic injury claim (Form CA-1) alleging that on August 4, 2024 he sustained a dislocation and torn ligaments in his left thumb when loading and organizing packages into his long-life vehicle (LLV) while in the performance of duty. He explained that he lost his balance when stepping around the packages and bent his left thumb backward as he tried to catch himself. Appellant stopped work on August 4, 2024.

In a work release note dated August 5, 2024, Dr. Michael Lara, Board-certified in emergency medicine, indicated that appellant was evaluated on that date and could return to work on August 12, 2024.

In an August 6, 2024 imaging order, Dr. John Dunn, a Board-certified orthopedic surgeon, referred appellant for a magnetic resonance imaging (MRI) scan of the left thumb for the diagnosed condition of traumatic rupture of the left ulnar collateral ligament, initial encounter.

Appellant submitted a duty status report (Form CA-17) by Robert Harrison, a nurse practitioner, dated August 19, 2024, which provided light-duty work restrictions.

In a September 9, 2024 note, Dr. Dunn reported that appellant underwent hand surgery on September 9, 2024, and was unable to return to work. He reported that a follow-up appointment had been scheduled for September 23, 2024, at which time his condition and disability status would be reevaluated.

In a September 20, 2024 order, Mr. Harrison referred appellant to a hand surgeon for treatment of the diagnosed condition of traumatic rupture of the left ulnar collateral ligament, initial encounter.

On September 23, 2024 the office of Dr. Dunn referred appellant for occupational therapy to treat the diagnosed conditions of traumatic rupture of the left ulnar collateral ligament, initial encounter; and traumatic rupture of unspecified ulnar collateral ligament, initial encounter.

In a September 23, 2024 work capacity evaluation (Form OWCP-5c), Dr. Dunn reported that appellant underwent right hand surgery. He opined that he could return to light-duty work with restrictions, which included no lifting, pushing or pulling with the right hand and sorting mail with a brace on.

In an October 10, 2024 development letter, OWCP informed appellant of the deficiencies of his claim. It advised him of 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. No additional evidence was received.

In a follow-up letter dated November 13, 2024, 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 October 10, 2024 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.

In response to the development letter, appellant resubmitted the September 23, 2024 referral order from the office of Dr. Dunn for occupational therapy to treat the diagnosed conditions of rupture of ulnar collateral ligament of thumb; traumatic rupture of left ulnar collateral ligament, initial encounter; and traumatic rupture of unspecified ulnar collateral ligament, initial encounter.

Appellant also submitted occupational therapy notes dated September 24 through November 6, 2024 from Noel Gonzalez, a registered occupational therapist, documenting treatment for his injury.

By decision dated December 11, 2024, OWCP accepted that the August 4, 2024 employment incident occurred, as alleged. However, it denied the claim, finding that the evidence of record was insufficient to establish a diagnosed medical condition in connection with the accepted August 4, 2024 employment incident. OWCP concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

### **LEGAL PRECEDENT**

An employee seeking benefits under FECA<sup>4</sup> 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,<sup>5</sup> 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.<sup>6</sup> 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.<sup>7</sup>

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. 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. Second, the employee must submit sufficient medical evidence to establish that the employment incident caused an injury.<sup>8</sup>

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<sup>4</sup> *Supra* note 2.

<sup>5</sup> *E.K.*, Docket No. 22-1130 (issued December 30, 2022); *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).

<sup>6</sup> *S.H.*, Docket No. 22-0391 (issued June 29, 2022); *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).

<sup>7</sup> *E.H.*, Docket No. 22-0401 (issued June 29, 2022); *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).

<sup>8</sup> *H.M.*, Docket No. 22-0343 (issued June 28, 2022); *T.J.*, Docket No. 19-0461 (issued August 11, 2020); *K.L.*, Docket No. 18-1029 (issued January 9, 2019); *John J. Caralone*, 41 ECAB 354 (1989).

The medical evidence required to establish causal relationship between a claimed specific condition and an employment incident is rationalized medical opinion evidence.<sup>9</sup> 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.<sup>10</sup>

### **ANALYSIS**

The Board finds that appellant has met his burden of proof to establish a diagnosed medical condition in connection with the accepted August 4, 2024 employment incident.

In support of his claim, appellant submitted an imaging order dated August 6, 2024, two days after the accepted August 4, 2024 employment incident, wherein Dr. Dunn diagnosed traumatic rupture of the left ulnar collateral ligament, initial encounter. The Board thus finds that appellant has established a diagnosed medical condition in connection with the accepted August 4, 2024 employment incident.<sup>11</sup> Consequently, the case shall be remanded for consideration of the medical evidence with regard to whether appellant has met his burden of proof to establish that his diagnosed medical condition is causally related to the accepted August 4, 2024 employment incident.<sup>12</sup> Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.<sup>13</sup>

### **CONCLUSION**

The Board finds that appellant has met his burden of proof to establish a diagnosed medical condition in connection with the accepted August 4, 2024 employment incident.

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<sup>9</sup> *S.M.*, Docket No. 22-0075 (issued May 6, 2022); *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).

<sup>10</sup> *J.D.*, Docket No. 22-0935 (issued December 16, 2022); *T.L.*, Docket No. 18-0778 (issued January 22, 2020); *Y.S.*, Docket No. 18-0366 (issued January 22, 2020); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

<sup>11</sup> *M.B.*, Docket No. 25-0307 (issued March 25, 2025); *G.K.*, Docket No. 24-0012 (issued March 26, 2024).

<sup>12</sup> *C.L.*, Docket No. 25-0468 (issued May 8, 2025).

<sup>13</sup> *S.J.*, Docket No. 25-0359 (issued April 15, 2025).

**ORDER**

**IT IS HEREBY ORDERED THAT** the December 11, 2024 decision of the Office of Workers' Compensation Programs is reversed and this case is remanded for further proceedings consistent with this decision of the Board.

Issued: June 18, 2025  
Washington, DC

Patricia H. Fitzgerald, Deputy Chief Judge  
Employees' Compensation Appeals Board

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

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