United States Department of Labor
Employees' Compensation Appeals Board

N.F., Appellant	)	
	)	**Docket No. 25-0494**
and	)	**Issued: June 4, 2025**
U.S. POSTAL SERVICE, SEVEN HILLS POST OFFICE, Henderson, NV, 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
JANICE B. ASKIN, Judge

JURISDICTION

On April 22, 2025 appellant filed a timely appeal from a January 28, 2025 merit decision and March 19, 2025 nonmerit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act[1] (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 that a traumatic incident occurred on October 2, 2024 in the performance of duty, as alleged; 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).

[1] 5 U.S.C. § 8101 *et seq*.

FACTUAL HISTORY

On October 23, 2024 appellant, then a 42-year-old rural carrier associate, filed a traumatic injury claim (Form CA-1) alleging that on October 2, 2024 she sustained a left groin strain when performing postal support employee (PSE) work while in the performance of duty. She stopped work on the date of injury and returned to work on October 5, 2024. On the reverse side of the claim form, an employing establishment supervisor, C.I., controverted the claim and noted that appellant was not injured in the performance of duty as her physician opined that the injury was not caused by work. She further indicated that appellant could not explain how the injury occurred. On the reverse side of the claim form, the employing establishment controverted the claim, contending that appellant was not injured in the performance of duty as "[m]edical C-4 Doctor" opined that her injury was not work related, and released appellant to full duty. It further contended that appellant could not explain how the injury happened.

In an October 5, 2024 statement, C.I. indicated that appellant left early on October 2, 2024 as she was feeling unwell. She related that appellant did not report a strained muscle to her.

On October 6, 2024 Dr. Veronica Allen, a Board-certified family practitioner, diagnosed strain of the left groin. She related that appellant had chronic left groin pain following a motor vehicle accident in 2002. Dr. Allen listed appellant's job duties on October 2, 2024 to include frequent lifting, pushing, and pulling. She determined that appellant's condition was not work-related due to the lack of mechanism of injury.

Shehram Djafroodi, a physician assistant, completed an October 6, 2024 note, finding that appellant could return to full-duty work without restrictions.

On November 15, 2024 D.M., a coworker, completed a statement describing the activities that he and appellant performed on October 2, 2024. They both distributed flats for approximately 4.5 hours. He recalled that appellant indicated that she was "sick," but did not want to stop work. For the next two hours, appellant wrapped empty trays and buckets. She only helped with three pallets and took six wrapped pallets to the dock, then left as she was unwell.

In a November 20, 2024 development letter, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence needed and provided a questionnaire for her completion. OWCP afforded appellant 60 days to submit the necessary evidence.

OWCP subsequently received additional evidence. On October 5, 2024 Mr. Djafroodi completed a form report wherein he related that appellant sustained a left groin strain while pushing, pulling, carrying, and wrapping moderate to heavy packages/mail and emptying equipment. On November 18, 2024 Dr. Maria Adolfo, a Board-certified internist, diagnosed pain in the left hip and knee.

In a follow-up development letter dated December 20, 2024, OWCP advised appellant that it had conducted an interim review, and the factual and medical evidence remained

insufficient to establish her claim. It noted that she had 60 days from the November 20, 2024 letter to submit the necessary evidence. OWCP further advised that if additional evidence was not received during this time, it would issue a decision based on the evidence contained in the record.

OWCP continued to receive evidence. In a response to OWCP's development questionnaire, appellant clarified that her injury occurred as the result of moving pallets. Appellant also submitted a January 2, 2025 statement, relating that she reported to work on October 2, 2024 to perform PSE work moving pallets and sorting mail trays. On October 5, 2025 she realized that she had been injured on October 2, 2024, but continued to work through the pain.

In an unsigned report dated November 7, 2024, a medical provider related that appellant reported left groin pain similar to a muscle strain that she sustained at work on October 2, 2024.

On December 9 and 19, 2024 Dr. Carl B. Wallis, a Board-certified orthopedic surgeon, related that he was treating appellant for her left knee and hip. He diagnosed left hip joint pain commencing October 2, 2024 when she pulled a muscle. Dr. Wallis noted that appellant's left knee pain had been present for several months with no known injury. He also diagnosed osteoarthritis of the left hip joint.

By decision dated January 28, 2025, OWCP denied appellant's claim, finding that the factual evidence of record was insufficient to establish that the events occurred as alleged. Therefore, it concluded that the requirements had not been met to establish an injury as defined by FECA.

OWCP continued to receive evidence. On October 6, 2024 appellant underwent an x-ray of her left hip and pelvis. She also provided an unsigned October 6, 2024 duty status report (Form CA-17), which noted a diagnosis of left groin strain.

In a January 24, 2025 statement, appellant asserted that, on October 2, 2024, she was directed to perform office work, using pallets to pull to the dock and stacking mail. She related that she was not familiar with these duties in her position as a rural carrier.

On February 3, 2025 Donald Wingard, an osteopath, diagnosed strains of the left groin adductor, left hip, and left knee. He related that on October 2, 2024 appellant, then a mail carrier, reported for an extra shift performing PSE work including lifting mail from the counter to a bin with repetitive motion twisting from side to side, placing mail on a pallet, and then pulling the pallet on a dolly weighing approximately 70 pounds. Appellant was then required to wrap the pallet with plastic wrap. While wrapping the pallet, she noticed that she had begun to limp due to aching and sharp pains from her left outer hip to her left inner thigh. Appellant became dizzy and lightheaded. She informed her supervisor and left work. Dr. Wingard completed an attending physician's report (Form CA-20) of even date, recounting that appellant was transferring mail into bins and then onto a pallet and wrapping the pallet with plastic wrap while walking, twisting, turning, and bending when she experienced a sharp pain in her left groin and began to limp. He diagnosed strains of the left groin and hip. Dr. Wingard explained that her work activities of twisting, bending, turning, and pushing the pallet while wrapping it with

plastic wrap placed her body into an unnatural position. He opined that she was not disabled from work.

On March 14, 2025 appellant requested reconsideration.

By decision dated March 19, 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 FECA[2] 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, 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.[3] 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.[4]

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 whether the employee 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.[5]

To establish that, an injury occurred as alleged, the injury need not be confirmed by eyewitnesses, but the employee's statements must be consistent with the surrounding facts and circumstances and his or her subsequent course of action. The employee has not met his or her burden when there are such inconsistencies in the evidence as to cast serious doubt on the validity of the claim. Such circumstances as late notification of injury, lack of confirmation of injury, continuing to work without apparent difficulty following the alleged injury, and failure to obtain medical treatment may, if otherwise unexplained, cast serious doubt on the employee's statements in determining whether a *prima facie* case has been established.[6] An employee's

[2] *Id.*

[3] *J.M.*, Docket No. 17-0284 (issued February 7, 2018); *R.C.*, 59 ECAB 427 (2008); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

[4] *B.H.*, Docket No. 20-0777 (issued October 21, 2020); *K.M.*, Docket No. 15-1660 (issued September 16, 2016); *L.M.,* Docket No. 13-1402 (issued February 7, 2014); *Delores C. Ellyett*, 41 ECAB 992 (1990).

[5] *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).

[6] *T.T.*, Docket No. 22-0792 (issued October 18, 2022); *C.M.*, Docket No. 20-1519 (issued March 22, 2021); *Betty J. Smith*, 54 ECAB 174 (2002).

statement alleging that an injury occurred at a given time and in a given manner is of great probative value and will stand unless refuted by strong or persuasive evidence.[7]

ANALYSIS -- ISSUE 1

The Board finds that appellant has met her burden of proof to establish that a traumatic incident occurred on October 2, 2024 in the performance of duty, as alleged.

In her Form CA-1, appellant alleged that she injured her left groin on October 2, 2024 while performing PSE work. On January 4, 2025 appellant submitted a completed development questionnaire and asserted that her injury occurred during one work shift as the result of moving pallets. She also submitted a January 2, 2025 statement relating that she had to work on October 2, 2024 to perform PSE work moving pallets and sorting mail trays. In a November 15, 2024 statement, D.M., a coworker, described the activities that appellant and he performed on October 2, 2024 including distributing flats for approximately 4.5 hours, wrapping empty trays and buckets, and moving the wrapped pallets to the dock.

Further, the medical evidence contemporaneous with the alleged October 2, 2024 employment incident establishes that appellant sought medical treatment on October 6, 2024. Dr. Wallis, in his December 9, 2024 report, diagnosed left hip joint pain commencing October 2, 2024 when she pulled a muscle.

The injury appellant claimed is consistent with the facts and circumstances she set forth, the witness statement provided, and her course of action. As noted, an employee's statement as to how the injury occurred is of great probative value and will stand unless refuted by strong or persuasive evidence.[8] There are no inconsistencies in the evidence that cast serious doubt upon the validity of the claim, and thus the Board finds that appellant has met her burden of proof to establish that a traumatic incident occurred on October 2, 2024 in the performance of duty, as alleged.

As appellant has established that an incident occurred in the performance of duty on October 2, 2024, as alleged, the question becomes whether the incident caused an injury.[9] As OWCP found that she had not established fact of injury, it did not evaluate the medical evidence. The case must, therefore, be remanded for consideration of the medical evidence of record.[10] After this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision addressing whether the medical evidence of record is sufficient to establish causal

[7] *See M.C.*, Docket No. 18-1278 (issued March 7, 2019); *D.B.*, 58 ECAB 464, 466-67 (2007).

[8] *J.K.,* Docket No. 25-0292 (issued March 3, 2025); *J.A.*, Docket No. 24-0919 (issued October 25, 2024); *M.S.*, Docket No. 24-0258 (issued May 20, 2024); *C.C.,* Docket No. 10-2054 (issued July 8, 2011).

[9] *M.S.*, Docket No. 23-0731 (issued January 5, 2024); *L.G.*, Docket No. 21-0343 (issued May 9, 2023); *M.A.*, Docket No. 19-0616 (issued April 10, 2020); *C.M.*, Docket No. 19-0009 (issued May 24, 2019).

[10] *D.F.*, Docket No. 21-0825 (issued February 17, 2022); *L.D.*, Docket No. 16-0199 (issued March 8, 2016); *Betty J. Smith, supra* note 6.

relationship between a diagnosed medical condition and the accepted October 2, 2024 employment incident.[11]

CONCLUSION

The Board finds that appellant has met her burden of proof to establish that a traumatic incident occurred on October 2, 2024 in the performance of duty, as alleged.

ORDER

IT IS HEREBY ORDERED THAT January 28, 2025 decision of the Office of Workers' Compensation Programs is reversed, and the case remanded for further development consistent with this decision. The March 19, 2025 decision of the Office of Workers' Compensation Programs is set aside as moot.

Issued: June 4, 2025
Washington, DC

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

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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