

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

J.G., Appellant

and

**U.S. POSTAL SERVICE, PROCESSING &
DISTRIBUTION CENTER, Louisville, KY,
Employer**

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) **Docket No. 25-0500**
) **Issued: June 18, 2025**
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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
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On April 23, 2025 appellant filed a timely appeal from a March 17, 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

ISSUE

The issue is whether appellant has met his burden of proof to establish a diagnosed medical condition in connection with the accepted July 16, 2024 employment incident.

¹ 5 U.S.C. § 8101 *et seq.*

² The Board notes that following the March 17, 2025 decision, 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*

FACTUAL HISTORY

On July 23, 2024 appellant, then a 59-year-old mail handler, filed a traumatic injury claim (Form CA-1) alleging that on July 17, 2024 he sustained wrist, elbow, and shoulder injuries when he tripped on a pallet jacket while in the performance of duty. He stopped work on July 17, 2024.

In a development letter dated July 25, 2024, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of medical and factual evidence needed to establish his claim and afforded him 60 days to provide the requested evidence.

In a statement dated August 20, 2024, appellant related that the correct date of the employment incident date was July 16, 2024, when he fell over a pallet jack and landed on his shoulder and wrist/elbow. He noted that the incident occurred in front of his supervisor and coworker.

By development letter dated August 21, 2024, OWCP requested that the employing establishment provide additional information, including comments from a knowledgeable supervisor regarding appellant's allegation that he sustained an injury in the performance of duty on July 16, 2024. It afforded the employing establishment 30 days to respond.

In a follow-up letter dated August 26, 2024, OWCP advised appellant that it had conducted an interim review and determined that the evidence remained insufficient to establish his claim. It noted that he had 60 days from the date of the July 25, 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.

By decision dated September 30, 2024, 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 employment incident. It concluded, therefore, that the requirements had not been met to establish an injury as defined under FECA.

On October 24, 2024 OWCP appellant requested an oral hearing before a representative of OWCP's Branch of Hearings and Review.

OWCP subsequently received statements from appellant, and coworkers P.B. and W.W., describing the July 16, 2024 employment incident.

On December 23, 2024 OWCP corrected the injury date to July 16, 2024.

A hearing was on February 6, 2025, during which the hearing representative advised appellant that medical evidence providing a diagnosis and opinion regarding causal relationship was necessary to establish his claim. She left the record open for 30 days for the submission of any medical evidence. No additional evidence was received.

By decision dated March 17, 2025, OWCP's hearing representative affirmed OWCP's September 30, 2024 decision.

LEGAL PRECEDENT

An employee seeking benefits under FECA³ 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.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 if an employee has sustained a traumatic injury in the performance of duty, OWCP begins with an analysis of whether fact of injury has been established. Fact of injury consists of two components that must be considered in conjunction with one another. The first component is whether the employee actually experienced the employment incident at the time and place, and in the manner alleged.⁶ The second component is whether the employment incident caused an injury.⁷

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue. 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 incident.⁸

ANALYSIS

The Board finds that appellant has not met his burden of proof to establish a diagnosed medical condition in connection with the accepted July 16, 2024 employment incident.

By development letters dated July 25 and August 16, 2024, OWCP informed appellant of the deficiencies of his claim, and advised him that medical evidence containing a diagnosed medical condition in connection with the accepted July 16, 2024 employment incident was necessary in support of the claim. OWCP's hearing representative again advised appellant that

³ *Supra* note 1.

⁴ *K.W.*, Docket No. 25-0355 (issued April 2, 2025); *T.D.*, Docket No. 25-0195 (issued February 5, 2025); *E.S.*, Docket No. 18-1580 (issued January 23, 2020); *M.E.*, Docket No. 18-1135 (issued January 4, 2019); *C.S.*, Docket No. 08-1585 (issued March 3, 2009); *Bonnie A. Contreras*, 57 ECAB 364 (2006).

⁵ *K.W., id.*; *J.M.*, Docket No. 25-0291 (issued February 26, 2025); *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).

⁶ *K.W., id.*; *T.D., supra* note 4; *B.P.*, Docket No. 16-1549 (issued January 18, 2017); *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁷ *K.W., id.*; *B.P., id.*; *Elaine Pendleton, id.*

⁸ *T.D., supra* note 4; *S.S.*, Docket No. 18-1488 (issued March 11, 2019).

medical evidence providing a diagnosis and opinion regarding causal relationship was necessary to establish his claim. However, no medical evidence was received.

As appellant did not submit any medical evidence containing a diagnosed medical condition in connection with the accepted July 16, 2024 employment incident, the Board finds that he has not met his burden of proof.

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(a) 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 diagnosed medical condition in connection with the accepted July 16, 2024 employment incident.

ORDER

IT IS HEREBY ORDERED THAT the March 17, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: June 18, 2025
Washington, DC

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

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

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