

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

D.M., Appellant

and

**U.S. POSTAL SERVICE, PROCESSING &
DISTRIBUTION CENTER, Greensboro, NC,
Employer**

)
)
)
)
)
)
)
)
)
)
)
)

**Docket No. 25-0506
Issued: June 23, 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 April 21, 2025 appellant filed a timely appeal from a March 18, 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.

ISSUE

The issue is whether appellant has met her burden of proof to establish a medical diagnosis in connection with the accepted December 26, 2024 employment incident.

FACTUAL HISTORY

On December 28, 2024 appellant, then a 58-year-old sales/services/distribution associate, filed a traumatic injury claim (Form CA-1) alleging that on December 26, 2024 she injured her

¹ 5 U.S.C. § 8101 *et seq.*

right leg and tore her gastrocnemius muscle when she lifted a package out of an all-purpose container while in the performance of duty. She stopped work on December 28, 2024.

In a narrative dated December 28, 2024, Dr. Joseph Dore, Board-certified in emergency medicine, indicated that, appellant was treated in the emergency department on that date. He required her to use crutches for the next six days, placed her off work until December 30, 2024, and advised that she may return to her usual work on January 4, 2025.²

In a development letter dated January 3, 2025, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of additional factual and medical evidence needed and provided a questionnaire for completion. OWCP afforded appellant 60 days to submit the necessary evidence.

OWCP subsequently received diagnostic imaging reports dated December 28, 2024. An x-ray report of appellant's right knee revealed no acute fracture or dislocation and no lipoarthrosis. The x-ray report also revealed superior and inferior patellar spurs. An ultrasound report of appellant's right lower extremity demonstrated no evidence of right leg deep venous thrombosis.

In a follow-up letter dated January 27, 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 3, 2025 letter to submit the requested 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 a statement dated February 14, 2025, appellant reiterated the history of her injury and described her resultant right leg condition and medical treatment. She recounted that on December 26, 2024 she was reaching down to lift a package when she felt a sudden sharp pull followed by a burning sensation in her right calf. On December 27, 2024 appellant's calf was still sore, but she assumed it would resolve on its own. However, on December 28, 2024 she experienced extreme pain when she got out of bed and placed her feet on the floor, her calf and leg were swollen, and she was unable to bear weight on her foot.

Appellant submitted medical records dated December 28, 2024, which indicated that she was treated in the emergency department on that date for leg pain by Dr. Dore. Dr. Dore reported that two days ago on December 26, 2024, appellant felt a pulling or tearing sensation on the medial aspect of her right lower extremity distal to the knee along the medial aspect of her right calf when she bent over to lift an object out of a container at work. She also experienced tenderness and swelling in the right lower extremity. Dr. Dore noted that x-rays of the right knee did not show any evidence of any bony lesions injuries or fluid in appellant's joint. He further noted that an ultrasound of the right leg did not indicate any blood clots in her leg or any fluid in her knee space. Dr. Dore diagnosed appellant with a muscle strain. He prescribed medication, crutches, a wrap, and therapy.

By decision dated March 18, 2025, OWCP denied appellant's traumatic injury claim, finding that the medical evidence of record was insufficient to establish a medical condition in

² In a report of work status (Form CA-3), the employing establishment indicated that appellant had stopped work on December 28, 2024, and returned to full-duty work on January 4, 2025.

connection with the accepted December 26, 2024 employment incident. 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 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,⁴ 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.⁵ 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.⁶

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 and place, and in the manner alleged. The second component is whether the employment incident caused an injury.⁷

The medical evidence required to establish causal relationship between a claimed specific condition and an employment incident is rationalized medical opinion evidence.⁸ 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.⁹

ANALYSIS

The Board finds that appellant has met her burden of proof to establish a diagnosed medical condition in connection with the accepted December 26, 2024 employment incident.

³ *Supra* note 1.

⁴ *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).

⁵ *L.C.*, Docket No. 19-1301 (issued January 29, 2020); *J.H.*, Docket No. 18-1637 (issued January 29, 2020); *R.C.*, 59 ECAB 427 (2008); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

⁶ *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).

⁷ *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).

⁸ *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).

⁹ *F.S.*, Docket No. 23-0112 (issued April 26, 2023); *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).

In support of her claim, appellant submitted December 28, 2024 emergency department reports, wherein Dr. Dore noted that appellant presented for evaluation of right leg pain following the accepted December 26, 2024 employment incident. Dr. Dore diagnosed appellant with a muscle strain. The Board thus finds that appellant has established a diagnosis of right leg muscle strain in connection with the December 26, 2024 employment incident.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 December 26, 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 right leg muscle strain in connection with the accepted December 26, 2024 employment incident.

ORDER

IT IS HEREBY ORDERED THAT the March 18, 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.

Issued: June 23, 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 *G.K.*, Docket No. 24-0012 (issued March 26, 2024).