

¹ 5 U.S.C. § 8101 *et seq.*

spasms in her dominant arm after receiving a mandatory flu shot vaccination from the employing establishment that day, while in the performance of duty.

In a letter dated January 21, 2025, the employing establishment controverted the claim, contending that appellant had not submitted rationalized medical evidence supporting causal relationship.

In a development letter dated February 5, 2025, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of additional factual and medical information needed and provided a questionnaire for completion. OWCP afforded appellant 60 days to submit the necessary evidence. No response was received.

In a follow-up development letter dated March 3, 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 February 5, 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.

OWCP subsequently received emergency department notes, discharge instructions, and a progress note dated April 1, 2025 from Kelly Collins, an advanced practice registered nurse (APRN)-certified nurse practitioner, Andrew Posen, a pharmacist, James Cantu and Soraya A.,² registered nurses, and Jennifer Hresko, an APRN. Appellant presented to the emergency department for the evaluation of chronic left upper extremity pain status post flu shot administration in November 2024. Findings on physical examination of appellant's left arm were noted, and an ultrasound revealed a distal cephalic acute thrombus of the proximal and mid forearm. Appellant was diagnosed with having left arm venous thromboembolism and thrombophlebitis and was prescribed medication for her conditions.

By decision dated April 10, 2025, OWCP denied appellant's traumatic injury claim, finding that the medical evidence of record was insufficient to establish causal relationship between her diagnosed left arm condition and the accepted November 20, 2024 employment incident.

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

² The Board notes that the record does not contain Soraya A.'s complete name.

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).

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, 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 Neither the mere fact that a disease or condition manifests itself during a period of employment, nor the belief that the disease or condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.¹⁰

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish a left arm condition causally related to the accepted November 20, 2024 employment incident.

In support of her claim, appellant submitted the April 1, 2025 emergency department notes, discharge instructions, and progress notes signed by APRNs, registered nurses, a certified nurse practitioner, and a pharmacist. However, none of these documents were signed by a physician. Certain healthcare providers such as APRNs, registered nurses, nurse practitioners, and

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).

¹⁰ *L.W.*, Docket No. 24-0947 (issued January 31, 2025); *T.H.*, Docket No. 18-1736 (issued March 13, 2019); *Dennis M. Mascarenas*, 49 ECAB 215 (1997).

pharmacists are not considered physicians as defined under FECA.¹¹ Consequently, their medical findings and/or opinions will not suffice for purposes of establishing entitlement to FECA benefits.

As the medical evidence of record is insufficient to establish a left arm condition causally related to the accepted November 20, 2024 employment incident, the Board finds that appellant has not met her 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 and 20 C.F.R. §§ 10.605 through 10.607.

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish a left arm condition causally related to the accepted November 20, 2024 employment incident.

¹¹ Section 8101(2) provides that physician includes surgeons, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, and osteopathic practitioners within the scope of their practice as defined by State law. 5 U.S.C. § 8101(2); 20 C.F.R. § 10.5(t). *See* Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.805.3a(1) (September 2020); *David P. Sawchuk*, 57 ECAB 316, 320 n.11 (2006) (lay individuals such as physician assistants, nurses, and physical therapists are not competent to render a medical opinion under FECA). *See also M.M.*, Docket No. 23-0475 (issued July 27, 2023) (registered nurses and advanced registered nurse practitioners are not considered physicians as defined under FECA); *R.R.*, Docket No. 24-0892 (issued October 22, 2024) (nurse practitioners are not considered physicians as defined by FECA); *J.P.*, Docket No. 20-0381 (issued July 28, 2020) (pharmacists are not considered physicians as defined under FECA).

ORDER

IT IS HEREBY ORDERED THAT the April 10, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: May 15, 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