

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

B.S., Appellant)
and)
U.S. POSTAL SERVICE, SOUTH SAINT PAUL) Docket No. 25-0842
POST OFFICE, South Saint Paul, MN, Employer) Issued: November 20, 2025
)

Appearances:
Allen Webb, Esq., for the appellant¹
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 September 2, 2025 appellant, through counsel, filed a timely appeal from a May 21, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act² (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 his burden of proof to establish a right upper extremity condition in the performance duty, as alleged.

¹ In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; see also 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

² 5 U.S.C. § 8101 *et seq.*

FACTUAL HISTORY

On March 4, 2025 appellant, then a 47-year-old city carrier filed an occupational disease claim (Form CA-2) alleging that he sustained right hand, wrist, and arm pain, and carpal tunnel syndrome causally related to factors of his federal employment. He noted that he first became aware of his condition on January 24, 2024, and realized its relationship to his federal employment on May 8, 2024.³ Appellant did not stop work.

In a January 25, 2025 statement, appellant, through counsel, described appellant's employment duties as sorting mail pieces and packages, opening mailboxes, and inserting mail pieces and packages. He related that during the winter of 2023 appellant developed pain, numbness, and swelling in his right wrist, hand, and fingers making it difficult to open mailboxes. Appellant found it particularly difficult to open individual boxes at clusters of mailboxes serving townhouses and apartment buildings using an arrow key. He turned the arrow key clockwise with some force to open each box and performed this motion with moderate torque as often as hundreds of times a day.

In a development letter dated March 13, 2025, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence necessary to establish his claim and provided a questionnaire for his completion. OWCP afforded appellant 60 days to respond.

In a letter dated April 8, 2025, OWCP notified appellant that it had performed an interim review and determined that the evidence of record remained insufficient to establish his claim. It advised that he had 60 days from the March 13, 2025 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.

On April 11, 2025 the employing establishment controverted appellant's claim, asserting that his wrist condition was a preexisting injury. It further related that he opened mailboxes at apartments only a few times a week and that his duties required spending about 30 minutes in total opening and closing apartment mailboxes. The employing establishment explained that as a precaution employees were not placed on routes that required usage of an arrow key as frequently as other routes.

OWCP subsequently received a February 21, 2024 note from Dr. Michael A. Blackburn, an osteopath, relating that appellant felt a "pop" in his hand while moving packages at work. On physical examination, he reported hand pain and swelling which he attributed to "repetitive microtrauma" at work. Dr. Blackburn diagnosed chronic osteoarthritis based on hand x-rays.

³ OWCP assigned the present claim OWCP File No. xxxxxxx712. Under OWCP File No. xxxxxxx927, appellant previously filed a traumatic injury claim for right hand, wrist, and carpal tunnel syndrome sustained on January 29, 2024. OWCP denied this claim finding that the medical evidence was insufficient to establish causal relationship. It noted that if he believed that he had an occupational injury, he should consider filing an occupational disease claim (Form CA-2). OWCP has administratively combined OWCP File Nos. xxxxxxx927 and xxxxxxx712, with the latter serving as the master file.

In a March 1, 2024 note, Dr. Michal R. Budziakowski, a family practitioner, described right wrist pain and swelling and diagnosed arthralgia of the right wrist.

In a May 8 2024 note, Dr. Shashank Dwivedi, an orthopedic hand surgeon, diagnosed right wrist pain, symptoms consistent with bilateral wrist carpal tunnel, and osteoarthritis. On June 7, 2024 he described appellant's employment activity of using a key and his conclusion that using the key had caused his hand pain and swelling. Dr. Dwivedi opined that as the initial onset of symptoms at work occurred when handling the arrow key, then his symptoms were most likely precipitated by usage of the arrow key and the specific actions with his wrist when operating the lock and mailboxes. He further related that as appellant's symptoms had improved with work stoppages, this supported the "causative nature of the work on his symptoms."

On July 25, 2024 appellant underwent electromyogram/nerve conduction velocity (EMG/NCV) testing which demonstrated peripheral neuropathy with globally abnormal sensory and motor findings without etiology.

Deanna Phan, a nurse practitioner, provided treatment on August 27 and October 8, 2024.

On November 13, 2024 Dr. Paul T. Wicklund, a Board-certified orthopedic surgeon, examined appellant and described his work duties of opening mailboxes in apartment complexes with a special key, carrying mail in a satchel and in his left hand, and opening mailboxes and delivering the mail with his right hand. Appellant asserted that this repetitive process caused swelling in both hands. On physical examination Dr. Wicklund found loss of sensation in the thumb, index, and middle fingers as well as on the radial aspect of the fourth finger, consistent with carpal tunnel syndrome. He also reported a positive Phalen's test. Dr. Wicklund diagnosed bilateral carpal tunnel syndrome by clinical examination and EMG evidence of peripheral neuropathy. He opined that appellant's work activities including delivering mail led to the onset and development of his bilateral hand complaints including the findings consistent with carpal tunnel syndrome.

In a November 27, 2024 note, Dr. Dwivedi found left hand numbness and pain and diagnosed "carpal tunnel syndrome vs. peripheral neuropathy." He reviewed the EMG/NCV testing which demonstrated peripheral neuropathy. Dr. Dwivedi found that appellant's clinical symptoms were consistent with bilateral carpal tunnel syndrome with a markedly positive Tinel's sign, but that electrodiagnostic testing demonstrated generalized peripheral neuropathy. On December 26, 2024 he repeated his diagnoses.

By decision dated May 21, 2025, OWCP denied appellant's occupational disease claim, finding that he had not established that he experienced the claimed employment factors alleged to have occurred. 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 FECA⁴ 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

⁴ *Supra* note 1.

States within the meaning of FECA, that the claim was timely filed within the applicable time limitation of FECA,⁵ 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.⁶ 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.⁷

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit: (1) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; (2) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; and (3) medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the employee.⁸

The employee's statements must be consistent with the surrounding facts and circumstances and his or her subsequent course of action.⁹ 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 cast doubt on an employee's statements in determining whether he or she had established a *prima facie* claim for compensation. However, an employee's statement is of great probative value and will stand unless refuted by strong and persuasive evidence.¹⁰

ANALYSIS

The Board finds that appellant has established factors of his federal employment.

In support of his claim appellant submitted a statement describing his implicated work duties including sorting mail pieces and packages, opening mailboxes, and inserting mail pieces and packages. He asserted that he was required to turn the arrow key clockwise with some force to open each mailbox located in apartment buildings on his route. Appellant related that he performed this motion with moderate torque as often as hundreds of times a day. While the employing establishment controverted his claim, indicating that he opened mailboxes at apartments only a few times a week and that his duties required spending about 30 minutes in

⁵ *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).

⁶ *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).

⁷ *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).

⁸ *P.L.*, Docket No. 19-1750 (issued March 26, 2020); *R.G.*, Docket No. 19-0233 (issued July 16, 2019); *L.M.*, Docket No. 13-1402 (issued February 7, 2014); *Delores C. Ellyett, id.*

⁹ *G.J.*, Docket No. 19-1826 (issued April 28, 2020); *R.W.*, Docket No. 19-0339 (issued July 12, 2019); *Mary Jo Coppolino*, 43 ECAB 988 (1992).

¹⁰ *Id.*

total opening and closing apartment mailboxes, it thereby confirmed that his duties included use of an arrow key and that as a precaution employees were not placed on routes that required usage of an arrow key as frequently as other routes. The employing establishment did not refute appellant's job duties and there are no inconsistencies sufficient to cast serious doubt on the type of duties he alleged he performed.¹¹

As noted previously, an employee's statement is of great probative value and will stand unless refuted by strong and persuasive evidence.¹² Thus, the Board finds that the evidence of record establishes that appellant's employment duties as a letter carrier included repetitive activities using an arrow key with his hands and fingers.¹³

As appellant has established the implicated work factors, the question becomes whether a diagnosed condition is causally related to the employment factors identified by the employee. As OWCP found that there were no employment factors, it has not analyzed or developed the medical evidence on the issue of causal relationship.¹⁴ Thus, the Board shall remand the case for consideration of the medical evidence with regard to whether appellant has established a right upper extremity condition causally related to the accepted employment factors. After this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.

CONCLUSION

The Board finds that appellant has met his burden of proof to establish factors of his federal employment.

¹¹ *R.I.*, Docket No. 20-1616 (issued February 11, 2022); *see generally T.A.*, Docket No. 19-1525 (issued March 4, 2020); *J.C.*, Docket No. 18-1803 (issued April 19, 2019); *L.S.*, Docket No. 13-1742 (issued August 7, 2014).

¹² *R.W.*, *supra* note 9; *see B.B.*, Docket No. 12-0165 (issued July 26, 2012); *Mary Jo Coppolino*, *supra* note 9.

¹³ *See S.G.*, Docket No. 22-0014 (issued November 3, 2022).

¹⁴ *V.M.*, Docket No. 25-0178 (issued May 16, 2025); *J.A.*, Docket No. 25-0237 (issued May 14, 2025).

ORDER

IT IS HEREBY ORDERED THAT the May 21, 2025 decision of the Office of Workers' Compensation Programs is reversed. The case is remanded for further development consistent with this decision of the Board.

Issued: November 20, 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