

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

M.P., Appellant)
and) Docket No. 25-0729
DEPARTMENT OF AGRICULTURE, OFFICE)
OF THE INSPECTOR GENERAL,) Issued: September 2, 2025
East Lansing, MI, 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 July 25, 2025 appellant filed a timely appeal from a July 23, 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 traumatic injury in the performance of duty on May 1, 2025, as alleged.

¹ 5 U.S.C. § 8101 *et seq.*

² The Board notes that following the July 23, 2025 decision, appellant submitted additional evidence to OWCP. 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 May 15, 2025 appellant, then a 39-year-old criminal investigator, filed a traumatic injury claim (Form CA-1) alleging that on May 1, 2025, he sustained pain and soreness in his neck after the government motor vehicle he was operating was rear-ended while in the performance of duty. On the reverse side of the claim form, appellant's supervisor checked a box marked "Yes" to indicate that her knowledge of the alleged incident comported with appellant's account of events. He did not stop work.

Thereafter, OWCP received an urgent care after visit summary wherein Sebastian Hohl, a physician assistant, recounted that appellant was evaluated for a "[m]otor vehicle accident injuring restrained driver[.]" X-rays of the cervical spine were within normal limits. Mr. Hohl prescribed over-the-counter anti-inflammatories, rest, heat, ice, and stretching to address appellant's symptoms.

In a development letter dated May 21, 2025, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence necessary and provided a questionnaire for his completion. OWCP afforded appellant 60 days to respond. No additional evidence was received.

In a follow-up letter dated June 25, 2025, OWCP advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish his claim. It noted that he had 60 days from the May 21, 2025 letter to submit the necessary evidence. OWCP further advised that if the necessary evidence was not received during this time, it would issue a decision based on the evidence contained in the record. No additional evidence was received.

By decision dated July 23, 2025, OWCP denied appellant's traumatic injury claim, finding that the evidence of record was insufficient to establish that the alleged May 1, 2025 motor vehicle accident occurred as alleged. It noted that he had not responded to the development questionnaire. Therefore, OWCP, concluded 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

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, it first must be determined whether fact of injury has been established. First, 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. Second, the employee must submit sufficient evidence to establish that the employment incident caused an injury.⁷

To establish that an injury occurred as alleged, the injury does not have to 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.⁸ The employee has not met his or her burden of proof to establish the occurrence of an injury when there are inconsistencies in the evidence that cast serious doubt upon 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 an employee's statements in determining whether a *prima facie* case has been established.⁹ An employee's statements alleging that an injury occurred at a given time and in a given manner are of great probative value and will stand unless refuted by strong or persuasive evidence.¹⁰

ANALYSIS

The Board finds that appellant has not met his burden of proof to establish a traumatic injury in the performance of duty on May 1, 2025, as alleged.

In his Form CA-1, appellant alleged that, on May 1, 2025, he sustained pain and soreness in his neck when the government vehicle he was operating was rear-ended by another unspecified vehicle. While appellant's supervisor indicated that her knowledge of the alleged incident comported with appellant's account of events, she provided no details. In its May 21 and June 25, 2025 development letters, OWCP requested that appellant complete an attached questionnaire and

⁵ *S.H.*, Docket No. 22-0391 (issued June 29, 2022); *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).

⁶ *E.H.*, Docket No. 22-0401 (issued June 29, 2022); *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 *R.R.*, Docket No. 25-0535 (issued June 23, 2025); *H.M.*, Docket No. 22-0343 (issued June 28, 2022); *T.J.*, Docket No. 19-0461 (issued August 11, 2020); *K.L.*, Docket No. 18-1029 (issued January 9, 2019); *John J. Carbone*, 41 ECAB 354 (1989).

⁸ *M.F.*, Docket No. 18-1162 (issued April 9, 2019); *Charles B. Ward*, 38 ECAB 667, 67-71 (1987).

⁹ *K.H.*, Docket No. 22-0370 (issued July 21, 2022); *Betty J. Smith*, 54 ECAB 174 (2002); *see also L.D.*, Docket No. 16-0199 (issued March 8, 2016).

¹⁰ *See K.H.*, *id.*; *M.C.*, Docket No. 18-1278 (issued March 7, 2019); *D.B.*, 58 ECAB 464, 466-67 (2007).

provide a detailed factual description of the alleged employment incident. No response was received.

As noted, appellant bears the burden of submitting a factual statement describing the alleged traumatic incident.¹¹ As he did not complete the development questionnaire and failed to provide sufficiently detailed factual evidence as requested by OWCP, the Board finds that he has not met his burden of proof.

Appellant may submit new evidence or argument, together 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 traumatic injury in the performance of duty on May 1, 2025, as alleged.

ORDER

IT IS HEREBY ORDERED THAT the July 23, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: September 2, 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 T.K., Docket No. 25-0194 (issued January 28, 2025); D.C., Docket No. 18-0314 (issued September 24, 2019); S.C., Docket No. 18-1242 (issued March 13, 2019).