United States Department of Labor
Employees' Compensation Appeals Board

A.L., Appellant	)	
and	)	**Docket No. 25-0774**
	)	**Issued: September 24, 2025**
U.S. POSTAL SERVICE, NORTH HOUSTON POST OFFICE, Houston, TX, 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
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On August 7, 2025 appellant filed a timely appeal from a June 27, 2025 merit decision and an August 1, 2025 nonmerit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act[1] (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

ISSUES

The issues are: (1) whether appellant has met his burden of proof to establish a traumatic injury in the performance of duty on April 11, 2025, as alleged; and (2) whether OWCP properly denied appellant's request for an oral hearing or review of the written record as untimely filed, pursuant to 5 U.S.C. § 8124.

[1] 5 U.S.C. § 8101 *et seq*.

FACTUAL HISTORY

On April 16, 2025 appellant, then a 33-year-old city carrier, filed a traumatic injury claim (Form CA-1) alleging that on April 11, 2025 he sustained a right foot Achilles injury when being chased by a dog while in the performance of duty. On the reverse side of the claim form, the employing establishment checked boxes marked "Yes" indicating that appellant was in the performance of duty when injured and that its knowledge of the facts about this injury comported with his statement. However, it controverted the claim, asserting that fact of injury had not been established as there was no contact with the dog or any other object that would have caused a traumatic injury. Appellant stopped work on the alleged date of injury and returned to work on April 12, 2025.

In an April 21, 2025 development letter, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence needed and provided a questionnaire for his completion. OWCP afforded appellant 60 days to submit the necessary evidence.

In response to OWCP's development letter, appellant submitted an authorization for examination and/or treatment (Form CA-16) issued by the employing establishment on April 15, 2025, which provided a date of injury of April 11, 2025.

In an April 18, 2025 attending physician's report, Part B of the Form CA-16, Dr. Eric Blanson, a podiatrist, evaluated appellant on that date for a ruptured right Achilles due to being chased by a dog while delivering mail. He reported no history of a concurrent or preexisting injury and checked the box marked "Yes" indicating that the diagnosed condition was caused or aggravated by the employment activity. Dr. Blanson noted that appellant was disabled from work as of April 18, 2025.

In a duty status report (Form CA-17) also dated April 18, 2025, Dr. Blanson provided an April 11, 2025 date of injury and diagnosed rupture of the right Achilles tendon. He held appellant off work. In a diagnostic order of even date, Dr. Blanson requested a magnetic resonance imaging (MRI) scan of the right lower extremity ankle and foot.

On May 1, 2025 Dr. Richard Oria, a Board-certified radiologist, reported that an MRI scan of the right foot demonstrated an impression of complete rupture of the Achilles tendon as seen on the MRI scan of the right ankle taken that same day, redemonstration of contusion with marrow edema involving the anterior aspect of the central and lateral tibial plafond, soft tissue edema, and joint effusion.

In a May 19, 2025 Form CA-17, Dr. Blanson diagnosed laceration at the right Achilles tendon and held appellant off work.

In a follow-up letter dated May 21, 2025, OWCP advised appellant that it conducted an interim review, and the evidence remained insufficient to establish his claim. It noted that he had 60 days from the April 21, 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. No additional evidence was received.

By decision dated June 27, 2025, OWCP denied appellant's claim, finding that the factual evidence of record was insufficient to establish that the events occurred as alleged. Therefore, it concluded that the requirements had not been met to establish an injury as defined by FECA.

Following OWCP's decision, appellant submitted CA-17 forms dated June 30 and July 28, 2025 from Dr. Blanson, as well as a July 25, 2025 medical note from Dr. Trang D. Nguyen, Board-certified in family medicine. Dr. Nguyen noted that appellant had undergone a recent Achilles tendon repair that was treated by his surgeon and that he had not been previously treated for any other lower extremity condition.

On July 30, 2025 appellant requested an oral hearing/review of the written record before a representative of OWCP's Branch of Hearings and Review.

By decision dated August 1, 2025, OWCP denied appellant's request for an oral hearing/review of the written record, finding that the request was not made within 30 days of the June 27, 2025 decision and, therefore, was untimely filed. It further exercised its discretion and determined that the issue in the case could equally well be addressed through a request for reconsideration before OWCP along with the submission of new evidence.

LEGAL PRECEDENT -- ISSUE 1

An employee seeking benefits under FECA[2] 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,[3] 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 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 a personal injury.[6]

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[2] *Id*.

[3] *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).

[4] *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).

[5] *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).

[6] *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. Carlone*, 41 ECAB 354 (1989).

An injury does not have to be confirmed by eyewitnesses in order to establish the fact that an employee sustained an injury in the performance of duty, but the employee's statements must be consistent with the surrounding facts and circumstances and his or her subsequent course of action.[7] 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.[8] An employee's statements alleging that an injury occurred at a given time and in a given manner is of great probative value and will stand unless refuted by strong or persuasive evidence.[9]

ANALYSIS -- ISSUE 1

The Board finds that appellant has met his burden of proof to establish a traumatic incident in the performance of duty on April 11, 2025, as alleged.

In his Form CA-1, appellant alleged that on April 11, 2025 he sustained a right foot Achilles injury when being chased by a dog. On the reverse side of the claim form, an employing establishment supervisor acknowledged that he was injured in the performance of duty. Further, the medical evidence contemporaneous with the alleged April 11, 2025 employment incident establishes that appellant sought medical treatment on April 18, 2025. Dr. Blanson, in his April 18, 2025 report, noted that he evaluated appellant on that date for a ruptured right Achilles due to being chased by a dog while delivering mail.

The injury appellant claimed is consistent with the facts and circumstances he set forth, and his course of action. As noted, an employee's statement as to how the injury occurred is of great probative value and will stand unless refuted by strong or persuasive evidence.[10] There are no inconsistencies in the evidence that cast serious doubt upon the validity of the claim, and thus the Board finds that appellant has established a traumatic incident in the performance of duty on April 11, 2025, as alleged.

As appellant has established that an incident occurred in the performance of duty on April 11, 2025 as alleged, the question becomes whether the incident caused an injury.[11] As OWCP found that he had not established fact of injury, it did not evaluate the medical evidence.

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

[8] *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).

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

[10] *J.K.,* Docket No. 25-0292 (issued March 3, 2025); *J.A.*, Docket No. 24-0919 (issued October 25, 2024); *M.S.*, Docket No. 24-0258 (issued May 20, 2024); *C.C.*, Docket No. 10-2054 (issued July 8, 2011).

[11] *M.S.*, Docket No. 23-0731 (issued January 5, 2024); *L.G.*, Docket No. 21-0343 (issued May 9, 2023); *M.A.*, Docket No. 19-0616 (issued April 10, 2020); *C.M.*, Docket No. 19-0009 (issued May 24, 2019).

The case must, therefore, be remanded for consideration of the medical evidence of record.[12] After this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision addressing whether appellant has met his burden of proof to establish an injury causally related to the accepted April 11, 2025 employment incident.[13]

CONCLUSION

The Board finds that appellant has met his burden of proof to establish a traumatic incident in the performance of duty on April 11, 2025, as alleged.[14]

ORDER

IT IS HEREBY ORDERED THAT the June 27, 2025 decision of the Office of Workers' Compensation Programs is reversed. The August 1, 2025 decision of the Office of Workers' Compensation Programs is set aside as moot.

Issued: September 24, 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

[12] *D.F.*, Docket No. 21-0825 (issued February 17, 2022); *L.D.*, Docket No. 16-0199 (issued March 8, 2016).

[13] In light of the Board's disposition of Issue 1, Issue 2 is rendered moot.

[14] The Board notes that the employing establishment issued an April 15, 2025 Form CA-16. A completed Form CA-16 authorization may constitute a contract for payment of medical expenses to a medical facility or physician, when properly executed. The form creates a contractual obligation, which does not involve the employee directly, to pay for the cost of the examination or treatment regardless of the action taken on the claim. *See* 20 C.F.R. § 10.300(c); *S.G.,* Docket No. 23-0552 (issued August 28, 2023); *J.G.,* Docket No. 17-1062 (issued February 13, 2018); *Tracy P. Spillane,* 54 ECAB 608 (2003).