

FACTUAL HISTORY

On June 2, 2025, appellant, then a 53-year-old general maintenance and operator worker, filed an occupational disease claim (Form CA-2) alleging that he sustained hearing loss due to factors of his federal employment including exposure to excessive noise over a period of time. He noted that he first became aware of his condition and realized its relation to his federal employment on May 3, 2021.³

OWCP subsequently received an official position description and notification of personnel action forms (Standard Form (SF) 50).

In a June 11, 2025 development letter, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence needed to establish his claim and provided a questionnaire for his completion. OWCP afforded appellant 60 days to submit the necessary evidence. By separate development letter dated June 11, 2025, it requested additional information from the employing establishment, including comments from a knowledgeable supervisor. OWCP afforded the employing establishment 30 days to respond.

On July 1, 2025, the employing establishment responded to OWCP's development letter reporting that the alleged exposure allegedly occurred at the mat sinking unit which performs along the Mississippi River and that appellant was exposed to noise from machinery and cranes from 7:00 a.m. to 6:00 p.m., Monday through Friday. It noted that he was provided ear protection to be worn in and over the ears when working on the winches.

On August 21, 2025, OWCP received physical evidence labeled as "two ear pod plugs."

On August 21, 2025, appellant responded to OWCP's development questionnaire, reporting that he was exposed to loud noise while working for the employing establishment. He noted that he was exposed to hazardous noise while working regular and 10 to 13 overtime hours per day and was exposed to this hazardous noise daily.

Appellant also submitted additional SF 50 Forms.

By decision dated August 26, 2025, OWCP denied appellant's hearing loss claim, finding that he had not established the implicated employment factors. 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

³ OWCP assigned the current claim OWCP File No. xxxxxx964. Appellant has a prior claim before OWCP. On May 17, 2017, appellant filed a Form CA-2 for hearing loss due to factors of his federal employment as a deck equipment operator resulting from working around noisy machinery and operating winches. He noted that he first became aware of his condition and realized its relation to his federal employment on October 1, 2016. OWCP assigned that claim OWCP File No. xxxxxx339 and accepted it for bilateral sensorineural hearing loss. It has not administratively combined appellant's claims.

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, an employee must submit the following: (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

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.⁹ A physician's opinion on whether there is causal relationship between the diagnosed condition and the implicated employment factor(s) must be based on a complete factual and medical background.¹⁰ Additionally, the physician's opinion must be expressed in terms of a reasonable degree of medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and appellant's specific employment factor(s).¹¹

ANALYSIS

The Board finds that appellant has not established hearing loss in the performance of duty, as alleged.

On his Form CA-2 appellant generally alleged that he sustained hearing loss due to factors of his federal employment including exposure to excessive noise over a period of time. However, he failed to describe, with sufficient detail, the work-related noise exposure to which he attributed his hearing loss.¹²

⁵ *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).

⁶ *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).

⁷ *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).

⁸ *R.G.*, Docket No. 19-0233 (issued July 16, 2019); *see also Roy L. Humphrey*, 57 ECAB 238, 241 (2005); *Ruby I. Fish*, 46 ECAB 276, 279 (1994); *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁹ *S.M.*, Docket No. 22-0075 (issued May 6, 2022); *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).

¹⁰ *M.V.*, Docket No. 18-0884 (issued December 28, 2018).

¹¹ *J.D.*, Docket No. 22-0935 (issued December 16, 2022); *T.L.*, Docket No. 18-0778 (issued January 22, 2020); *Y.S.*, Docket No. 18-0366 (issued January 22, 2020); *Victor J. Woodhams*, *supra* note 9.

¹² *M.L.*, Docket No. 14-1208 (issued September 29, 2014).

OWCP, in development letters, advised appellant of the type of factual and medical evidence needed to establish his claim and provided a questionnaire for his completion. He neither responded to the questionnaire, nor provided sufficient evidence in support of his claim. As such, the record does not contain an explanation as to the type of noise, decibel level, or hours of exposure, nor does it explain how appellant's federal employment exposed him to additional factors of hazardous noise. By failing to describe the work-related noise exposure and circumstances surrounding the alleged injury, the Board finds that appellant has not met his burden of proof to establish an injury in the performance of duty, as alleged.¹³

Appellant may submit new evidence or argument, together with a written request for reconsideration to OWCP within one year of the Board's 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 an injury in the performance of duty, as alleged.

ORDER

IT IS HEREBY ORDERED THAT the August 26, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: April 7, 2026
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

¹³ *R.R.*, Docket No. 25-0535 (issued June 23, 2025); *P.T.*, Docket No. 14-0598 (issued August 5, 2014).