

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

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**M.C., Appellant**

**and**

**DEPARTMENT OF THE NAVY, U.S. MARINE  
CORPS, QUANTICO FIRE & EMERGENCY  
SERVICES, Quantico, VA, Employer**

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**Docket No. 26-0417  
Issued: August 7, 2026**

*Appearances:*  
*Appellant, pro se*  
*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 April 3, 2026 appellant filed a timely appeal from a January 13, 2026 merit decision and a February 18, 2026 nonmerit decision of the Office of Workers' Compensation Programs (OWCP).<sup>1</sup> Pursuant to the Federal Employees' Compensation Act<sup>2</sup> (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.<sup>3</sup>

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<sup>1</sup> Appellant submitted a timely request for oral argument before the Board. 20 C.F.R. § 501.5(b). Pursuant to the Board's *Rules of Procedure*, oral argument may be held in the discretion of the Board. 20 C.F.R. § 501.5(a). In support of the oral argument request, appellant requested that oral argument be granted so that he could further explain his contentions concerning the evaluation of the medical evidence. The Board, in exercising its discretion, denies appellant's request for oral argument because this matter requires an evaluation of the evidence of record. As such, the issues on appeal can be adequately addressed in a decision based on a review of the case record and legal arguments. Oral argument in this appeal would not serve a useful purpose. Therefore, the oral argument request is denied, and this decision is based on the case record as submitted to the Board.

<sup>2</sup> 5 U.S.C. § 8101 *et seq.*

<sup>3</sup> The Board notes that, following the February 18, 2026 decision, OWCP received additional evidence. 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.*

## **ISSUES**

The issues are: (1) whether appellant has met his burden of proof to establish a diagnosed medical condition in connection with the accepted September 23, 2025 employment incident; and (2) whether OWCP properly denied appellant's request for an oral hearing as untimely filed, pursuant to 5 U.S.C. § 8124(b).

## **FACTUAL HISTORY**

On September 25, 2025 appellant, then a 42-year-old firefighter, filed a traumatic injury claim (Form CA-1) alleging that on September 23, 2025 he injured his head while in the performance of duty.<sup>4</sup> He recounted that he rolled out a fire hose and the coupling snapped back and hit him in the top of the head, causing immediate bleeding and swelling. On the reverse side of the form, the employing establishment indicated that appellant was injured in the performance of duty and that its knowledge of the facts about this injury agreed with his statements. Appellant stopped work on September 28, 2025.

Appellant submitted a medical report dated September 29, 2025 by David Clarke, a physician assistant, who noted a history of the claimed September 23, 2025 employment incident and that appellant had a history of at least five prior concussions. Mr. Clarke performed a physical examination and observed that appellant was lethargic, demonstrated horizontal nystagmus, and had a "visible knot-like swelling over the frontal forehead and mid-skull." He diagnosed a concussion and recommended that appellant remain out of work.

In a letter and follow-up report dated October 13, 2025, Mr. Clarke noted that appellant's concussion symptoms had significantly improved. He released him to return to full-duty work without restrictions. In an October 13, 2025 attending physician's report, Part B of an authorization for examination and/or treatment (Form CA-16), Mr. Clarke noted a diagnosis of concussion without loss of consciousness. He checked a box marked "Yes" indicating that the diagnosis was employment related.

In a follow-up letter dated December 1, 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 October 29, 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.

OWCP thereafter received additional statements by appellant and a copy of the September 29, 2025 report by Mr. Clarke.

By decision dated January 13, 2026, OWCP found that appellant had established that the September 23, 2025 employment incident had occurred, as alleged. However, the claim remained denied as the evidence of record was insufficient to establish a medical diagnosis in connection

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<sup>4</sup> OWCP assigned the present case OWCP File No. xxxxxx037. Appellant previously filed a Form CA-1 for a March 8, 2017 injury, which OWCP accepted for radial head sprain under OWCP File No. xxxxxx393. He also filed a Form CA-1 for September 13, 2024 headaches and neck and upper back pain, which OWCP denied under OWCP File No. xxxxxx812. OWCP has not administratively combined OWCP File Nos. xxxxxx037, xxxxxx393, and xxxxxx812.

with the accepted September 23, 2025 employment incident. It concluded, therefore, that appellant had not established an injury as defined by FECA.

On February 13, 2026 appellant, *via* OWCP's Employees' Compensation Operations & Management Portal (ECOMP), requested an oral hearing before a representative of OWCP's Branch of Hearings and Review.

OWCP also received another copy of the September 29, 2025 report by Mr. Clarke, which was now countersigned by Dr. Wendy Westfield, Board-certified in family medicine. It also received a copy of the attending physician's report, Part B of the Form CA-16, by Mr. Clarke dated October 13, 2025.

In an attending physician's report (Form OWCP-20) dated November 4, 2025, Dr. Westfield indicated that appellant sustained a direct blow to his head from the metal part of a hose while at work on September 23, 2025. She noted that he had visible knot-like swelling on his frontal forehead/skull and diagnosed a concussion without loss of consciousness. Dr. Westfield opined that the "injury occurred while handling fire department equipment."

By decision dated February 18, 2026, OWCP denied appellant's request for an oral hearing, finding that the request was not made within 30 days of the January 13, 2026 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<sup>5</sup> has the burden of proof to establish the essential elements of his or her claim including the fact that the individual is an employee of the United States within the meaning of FECA, that the claim was timely filed, 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.<sup>6</sup> These are the essential elements of every compensation claim regardless of whether the claim is predicated on a traumatic injury or an occupational disease.<sup>7</sup>

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. There are two components involved in establishing fact of injury. 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.<sup>8</sup>

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<sup>5</sup> 5 U.S.C. § 8101 *et seq.*

<sup>6</sup> *C.G.*, Docket No. 20-0058 (issued September 30, 2021); *S.B.*, Docket No. 17-1779 (issued February 7, 2018); *J.P.*, 59 ECAB 178 (2007); *Joe D. Cameron*, 41 ECAB 153 (1989).

<sup>7</sup> *J.M.*, Docket No. 17-0284 (issued February 7, 2018); *R.C.*, 59 ECAB 427 (2008); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

<sup>8</sup> *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).

The medical evidence required to establish causal relationship between a claimed specific condition and an employment incident is rationalized medical opinion evidence.<sup>9</sup> 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 the specific employment incident identified by the claimant.<sup>10</sup>

In any case where a preexisting condition involving the same part of the body is present and the issue of causal relationship, therefore, involves aggravation, acceleration or precipitation, the physician must provide a rationalized medical opinion that differentiates between the effects of the work-related injury or disease and the preexisting condition.<sup>11</sup>

### **ANALYSIS -- ISSUE 1**

The Board finds that appellant has met his burden of proof to establish knot-like swelling of the frontal forehead/skull causally related to the accepted September 23, 2025 employment incident.

OWCP found that the September 23, 2025 employment incident, in which a fire hose coupling snapped back and hit appellant on the top of his head, had occurred at the time and place and in the manner alleged. In his Form CA-1, he related that there was swelling and bleeding on his head. Mr. Clarke, in a medical report dated September 29, 2025, noted the history of the September 23, 2025 employment incident and observed a visible knot-like swelling over appellant's frontal forehead and mid-skull on examination. OWCP's procedures provide that if a condition reported is a minor one, such as a burn, laceration, insect sting, or animal bite, which can be identified on visual inspection, and is reported promptly, a case may be accepted without a medical report.<sup>12</sup> The Board therefore finds that appellant has met his burden of proof to establish knot-like swelling of the frontal forehead/skull.<sup>13</sup> The case will, therefore, be remanded to OWCP for payment of medical expenses and any attendant disability.<sup>14</sup>

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<sup>9</sup> 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).

<sup>10</sup> A.S., Docket No. 19-1955 (issued April 9, 2020); *Leslie C. Moore*, 52 ECAB 132 (2000).

<sup>11</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.805.3e (May 2023); M.B., Docket No. 20-1275 (issued January 29, 2021); *see R.D.*, Docket No. 18-1551 (issued March 1, 2019).

<sup>12</sup> *See* Federal (FECA) Procedure Manual, Part 2 -- Claims, *Initial Development of Claims*, Chapter 2.800.6a (May 2023); Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.805.3c (May 2023). *See also R.H.*, Docket No. 20-1684 (issued August 27, 2021); *A.J.*, Docket No. 20-0484 (issued September 2, 2020) (the Board found that appellant had met her burden of proof as the medical evidence established visible injuries in the form of ecchymosis and edema).

<sup>13</sup> *See E.A.*, Docket No. 24-0937 (issued October 24, 2024); *J.C.*, Docket No. 21-0406 (issued November 5, 2021); *R.H.*, *id.*; *A.J.*, *id.*; *see also W.R.*, Docket No. 20-1101 (issued January 26, 2021); *S.K.*, Docket No. 18-1411 (issued July 22, 2020).

<sup>14</sup> *See E.B.*, Docket No. 24-0471 (issued June 11, 2024); *J.N.*, Docket No. 24-0169 (issued April 26, 2024); *A.J.*, *id.*

The Board further finds that appellant has established a diagnosis of concussion without loss of consciousness in connection with the accepted September 23, 2025 employment injury.

The September 29, 2025 report, and Form OWCP-20 dated November 4, 2025 by Dr. Westfield indicated that appellant sustained a direct blow to his head from the metal part of a hose while at work on September 23, 2025. Dr. Westfield diagnosed a concussion without loss of consciousness. The Board thus finds that appellant has established a diagnosis of concussion with loss of consciousness in connection with the accepted September 23, 2025 employment injury.<sup>15</sup> Consequently, the case shall be remanded for consideration of the medical evidence with regard to whether appellant has met his burden of proof to establish that this condition is causally related to the accepted September 23, 2025 employment injury.<sup>16</sup> Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.<sup>17</sup>

### **CONCLUSION**

The Board finds that appellant has met his burden of proof to establish a visible injury of knot-like swelling of the frontal forehead/skull causally related to the September 23, 2025 employment injury. The Board further finds that appellant has established a diagnosis of concussion without loss of consciousness in connection with the accepted September 23, 2025 employment injury.<sup>18</sup>

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<sup>15</sup> *J.C.*, Docket No. 25-0420 (issued June 18, 2025); *M.B.*, Docket No. 25-0307 (issued March 25, 2025); *G.K.*, Docket No. 24-0012 (issued March 26, 2024).

<sup>16</sup> *V.I.*, Docket No. 23-0555 (issued January 8, 2026); *C.L.*, Docket No. 25-0468 (issued May 8, 2025); *S.R.*, Docket No. 22-0421 (issued July 15, 2022).

<sup>17</sup> The case record contains a Form CA-16. A properly completed Form CA-16 form 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. The period for which treatment is authorized by a Form CA-16 is limited to 60 days from the date of issuance, unless terminated earlier by OWCP. 20 C.F.R. § 10.300(c); *P.R.*, Docket No. 18-0737 (issued November 2, 2018); *N.M.*, Docket No. 17-1655 (issued January 24, 2018); *Tracy P. Spillane*, 54 ECAB 608 (2003).

<sup>18</sup> In light of the Board's disposition of Issue 1, Issue 2 is rendered moot.

**ORDER**

**IT IS HEREBY ORDERED THAT** the January 13, 2026 decision of the Office of Workers' Compensation Programs is reversed, and this case is remanded for further proceedings consistent with this decision of the Board. The February 18, 2026 decision of the Office of Workers' Compensation Programs is set aside as moot.

Issued: August 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