

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

L.M., Appellant

and

**U.S. POSTAL SERVICE, SANTA CLARITA
POST OFFICE, Santa Clarita, CA, Employer**

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**Docket No. 26-0450
Issued: August 6, 2026**

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:

ALEC J. KOROMILAS, Chief Judge

JANICE B. ASKIN, Judge

VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On April 19, 2026 appellant filed a timely appeal from a February 13, 2026 merit decision and an April 13, 2026 nonmerit 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

ISSUES

The issues are: (1) whether appellant has met her burden of proof to establish a traumatic injury in the performance of duty on September 30, 2025, as alleged; and (2) whether OWCP

¹ 5 U.S.C. § 8101 *et seq.*

² The Board notes that, following the April 13, 2026 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.*

properly denied appellant's request for reconsideration of the merits of her claim, pursuant to 5 U.S.C. § 8128(a).

FACTUAL HISTORY

On October 2, 2025 appellant, then a 38-year-old city carrier, filed a traumatic injury claim (Form CA-1) alleging that on September 30, 2025 she injured her right knee while in the performance of duty. She explained that as she was stepping down from her work vehicle her foot slipped causing her right knee to make popping sounds prior to a fall. On the reverse side of the claim form, the employing establishment acknowledged that the injury occurred in the performance of duty. Appellant stopped work on the date of injury and returned to part-time light-duty work on December 18, 2025.

In a series of reports dated September 30, 2025, Dr. Michelle Wueste, a physician Board-certified in occupational medicine, related that appellant sustained an industrial injury resulting in a sprain of the medial collateral ligament of the right knee. She recounted that on September 30, 2025 while packing her work vehicle, appellant stepped back off of the curb and twisted her right knee. Dr. Wueste performed a physical examination and diagnosed sprain of the medial collateral ligament of the right knee. She listed the causation as "Industrial." Dr. Wueste completed a form report of even date and related that on September 30, 2025, while at work, she was packing the back of her vehicle and stepped back and off of the curb twisting her right knee. On September 30, 2025 appellant underwent right knee x-rays which demonstrated a positive joint effusion and no evidence for acute bony abnormality.

OWCP also received an authorization for examination and/or treatment (Form CA-16). The employing establishment issued the form on September 30, 2025 and listed the injury as "knee." In a September 30, 2025 attending physician's report, Part B of the Form CA-16, Dr. Wueste, noted appellant's history of injury as "while loading her vehicle, she stepped back and twisted her right knee." She diagnosed sprain of the right medial collateral ligament, which she opined was caused or aggravated by the employment activity. Dr. Wueste completed additional form reports of even date repeating the diagnoses.

On October 6, 2025 Dr. Jesse N. Jittrikawiphol, an osteopath and Board-certified family practitioner, diagnosed right knee injury and found that appellant was partially disabled.

In an October 10, 2025 note, Dr. Emma Woodhouse, a Board-certified orthopedic surgeon, diagnosed right tibial plateau fracture. On November 20, 2025 she found that appellant was totally disabled.

In a December 2, 2025 development letter, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence needed to establish her claim and provided a questionnaire for her completion. OWCP specifically requested that appellant provide further details clarifying how her injury actually occurred. It afforded appellant 60 days to submit the necessary evidence.

Appellant responded on December 2, 2025 and asserted that she had sustained a hairline fracture and that the curb was not the cause of her employment incident.

On December 9, 2025 Richard Gonzales, a physician assistant, completed an attending physician's report (Form CA-20) relating that while at work appellant was packing the back of her vehicle when her right knee buckled and she fell out of the vehicle.

In a December 14 and 16, 2025 notes, Dr. Woodhouse diagnosed right tibial plateau fracture and right knee injury, respectively, and found that appellant was partially disabled from December 16, 2025 through January 18, 2026.

In a follow-up letter dated January 12, 2026, OWCP advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish her claim. It noted that she had 60 days from the December 2, 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. No response was received.

By decision dated February 13, 2026, OWCP denied appellant's traumatic injury claim, finding that the evidence of record was insufficient to establish that an incident occurred in the performance of duty on September 30, 2025, as alleged. Therefore, it concluded that the requirements had not been met to establish an injury as defined by FECA.

In March 6, 2026 reports, Dr. Vikas Jindal, a Board-certified internist, diagnosed right tibial plateau fracture. He recounted that appellant's incident occurred on September 30, 2025 while at work, when she fell while stepping down from a truck. Dr. Jindal opined that his findings and diagnoses were consistent with appellant's history of injury through causation and the work-related origin of the injury. He found that appellant's condition was more likely than not work related and that mechanism of injury was consistent with the incident. Dr. Jindal determined that appellant was partially disabled.

On March 9, 2026 Dr. Jindal completed a Form CA-20 diagnosing right tibial plateau fracture and finding that she was partially disabled.

On March 14, 2026 appellant requested reconsideration.

By decision dated April 13, 2026, OWCP denied appellant's request for reconsideration of the merits of her claim, pursuant to 5 U.S.C. § 8128(a).

LEGAL PRECEDENT – ISSUE 1

An employee seeking benefits under FECA³ 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 filed within the applicable time limitation of FECA,⁴ that an injury was sustained while in the performance of duty as alleged; and that any disability or specific condition for which compensation is claimed is causally related

³ *Supra* note 1

⁴ See *S.B.*, Docket No. 24-0710 (issued August 26, 2024); *C.B.*, Docket No. 21-1291 (issued April 28, 2022); *S.C.*, Docket No. 18-1242 (issued March 13, 2019); *J.P.*, 59 ECAB 178 (2007); *Joe D. Cameron*, 41 ECAB 153 (1989).

to the employment injury.⁵ These are the essential elements of each and every compensation claim regardless of whether the claim is predicated on 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 must be determined whether fact of injury has been established. There are two components involved in establishing fact of injury. The first component is whether the employee actually experienced the employment incident at the time and place, and in the manner alleged. The second component is whether the employment incident caused an injury.⁷

To establish that, an injury occurred as alleged, the injury need not 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. The employee has not met his or her burden when there are such inconsistencies in the evidence as to cast serious doubt on 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 the employee's statements in determining whether a prima facie case has been established.⁸ An employee's statement 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 her burden of proof to establish a traumatic incident in the performance of duty on September 30, 2025, as alleged.

In her Form CA-1, appellant alleged that on September 30, 2025 she slipped from a truck, her right knee "popped" and she fell while in the performance of duty. On the reverse side of the claim form, her supervisor acknowledged that she was injured in the performance of duty. Appellant promptly sought medical treatment on September 30, 2025, the date of the alleged incident, and was diagnosed with right knee strain.

As noted, an employee's statement alleging that an incident occurred at a given time and in a given manner is of great probative value and will stand unless refuted by strong or

⁵ *L.C.*, Docket No. 19-1301 (issued January 29, 2020); *T.H.*, Docket No. 18-1736 (issued March 13, 2019); *R.C.*, 59 ECAB 427 (2008).

⁶ *P.A.*, Docket No. 18-0559 (issued January 29, 2020); *T.E.*, Docket No. 18-1595 (issued March 13, 2019); *Delores C. Ellyett*, 41 ECAB 992 (1990).

⁷ *See A.H.*, Docket No. 22-0912 (issued October 26, 2023); *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).

⁸ *T.T.*, Docket No. 22-0792 (issued October 18, 2022); *C.M.*, Docket No. 20-1519 (issued March 22, 2021); *Betty J. Smith*, 54 ECAB 174 (2002).

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

persuasive evidence.¹⁰ Appellant has established that, on September 30, 2025 she injured her right knee while in the performance of duty. As appellant has provided consistent statements that she injured her right knee while in the performance of duty, the Board finds that she has established that the employment incident occurred on September 30, 2025, as alleged.¹¹

As appellant has established that the September 20, 2025 employment incident occurred as alleged, the question becomes whether this incident caused an injury.¹² Thus, the Board shall reverse OWCP's February 13, 2026 decision and remand the case for consideration of the medical evidence. Following any further development as deemed necessary, OWCP shall issue a *de novo* decision.

CONCLUSION

The Board finds that appellant has met her burden of proof to establish a traumatic incident in the performance of duty on September 30, 2025, as alleged.¹³

¹⁰ *E.C.*, Docket No. 26-0326 (issued May 20, 2026); *G.H.*, Docket No. 26-0073 (issued February 25, 2026); *J.M.*, Docket No. 26-0097 (issued February 19, 2026); *B.M.*, Docket No. 21-1185 (issued March 4, 2022); *L.D.*, Docket No. 16-0199 (issued March 8, 2016); *Betty J. Smith*, 54 ECAB 174 (2002).

¹¹ *E.A.*, Docket No. 26-0286 (issued May 13, 2026); *J.M.*, *id.*; *C.O.*, Docket No. 25-0883 (issued November 24, 2025); *A.L.*, Docket No. 25-0775 (issued September 24, 2025); *D.S.*, Docket No. 25-0809 (issued September 23, 2025); *N.F.*, Docket No. 25-0494 (issued June 4, 2025).

¹² See *S.T.*, Docket No. 21-0317 (issued August 11, 2021); *B.S.*, Docket No. 19-0524 (issued August 8, 2019); *Willie J. Clements*, 43 ECAB 244 (1991).

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

ORDER

IT IS HEREBY ORDERED THAT February 13, 2026 decision of the Office of Workers' Compensation Programs is reversed, and the case is remanded for further proceedings consistent with this decision of the Board.¹⁴ The April 13, 2026 decision of the Office of Workers' Compensation Programs is set aside as moot.

Issued: August 6, 2026
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board

¹⁴ The Board notes that a Form CA-16 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).