

³ Following the issuance of the December 3, 2025 decision, OWCP received additional evidence. 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.*

ISSUE

The issue is whether appellant has met his burden of proof to establish a traumatic injury in the performance of duty on September 11, 2025, as alleged.

FACTUAL HISTORY

On September 12, 2025 appellant, then a 43-year-old materials handler, filed a traumatic injury claim (Form CA-1) alleging that at 10:32 a.m. on September 11, 2025, he experienced a broken nose; pain in his back, shoulders, knees, and neck; and a headache as a result of a motor vehicle accident he was involved in while in the performance of duty. He explained that he was sitting in his vehicle at a traffic light and while he was waiting for the light to turn green, he adjusted his position in the seat while wearing his seatbelt. Appellant further related that his vehicle was struck from behind by a another vehicle. On the reverse side of the claim form, G.R., appellant's supervisor, indicated that appellant's work schedule was 7:30 a.m. to 4:00 p.m., Monday through Friday. He acknowledged that appellant was injured in the performance of duty, but challenged the claim, based on fact of injury and no medical evidence submitted to establish a diagnosed injury. G.R. related that when appellant called and informed him about the accident, he said that he was okay and just a little sore. Appellant then delivered his supplies to a community-based outpatient clinic (CBOC) and to another CBOC, which took about three to four more hours of driving. G.R. maintained that at no time did appellant inform him that he had problems completing his job or ask for help. Appellant informed him that he had refused any help from emergency medical services the scene of the accident. G.R. related that when appellant returned to the employing establishment there were no marks on his van and he continued to work.

A September 11, 2025 motor vehicle trip ticket signed by an employing establishment representative indicated that appellant was authorized to take supplies to the CBOCs.

In a development letter dated September 23, 2025, 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. In a development letter of even date, it requested that the employing establishment provide additional information regarding the alleged September 11, 2025 incident. OWCP afforded the employing establishment 30 days to respond.

A September 11, 2025 State Uniform Police Traffic Collision report indicated that appellant was involved in a motor vehicle accident on September 11, 2025. His vehicle was rear ended at a red light by another vehicle. An investigator was dispatched to the scene at 10:34 a.m.

In a September 30, 2025 employing establishment report of accident, signed by G.R. and another employing establishment representative, appellant reported that he was involved in a motor vehicle accident on September 11, 2025 on his way to several CBOCs. He was adjusting his posture in his seat when his vehicle was rear ended at a red stop light by a another vehicle. A photograph of the accident site was submitted.

OWCP also continued to receive evidence. Appellant signed a statement of certification on the OWCP questionnaire on October 8, 2025 2022, however, he did not respond to the questions posed.

Additionally, OWCP received medical evidence, including work excuse notes. In a work excuse note dated September 11, 2025, Dr. Roy Givens, a Board-certified internist, advised that appellant may return to normal-duty work with no restrictions on September 15, 2025.

In a work excuse note dated October 5, 2025, Dr. Patrick Cellarosi-Yorba, a physician Board-certified in emergency medicine, advised that appellant may return to work with restrictions on October 8, 2025.

In an October 10, 2025 attending physician's report (Form CA-20), Dr. Robert Williams, a physician Board-certified in emergency medicine, noted that appellant was initially treated on September 11, 2025 following a motor vehicle accident. He diagnosed cervical strain, back strain of thoracic region, and lumbar strain. Dr. Williams responded "Yes" to indicate his opinion that appellant's conditions were caused or aggravated by the described employment activity. He advised that appellant was not disabled from work.

OWCP, in a follow-up letter dated October 15, 2025, 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 September 23, 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 an additional photograph of the accident site.

By decision dated December 3, 2025, OWCP accepted that the September 11, 2025 employment incident occurred, as alleged, and that a medical condition had been diagnosed in connection with the event. However, it denied the claim, finding that appellant had not established that his alleged injury occurred in the performance of duty.

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 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

⁴ *Supra* note 2.

⁵ *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).

⁶ *G.A.*, Docket No. 21-1362 (issued February 23, 2023); *J.M.*, Docket No. 17-0284 (issued February 7, 2018); *R.C.*, 59 ECAB 427 (2008); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

⁷ *M.H.*, Docket No. 21-0891 (issued December 22, 2021); *R.R.*, Docket No. 19-0048 (issued April 25, 2019); *K.M.*, Docket No. 15-1660 (issued September 16, 2016); *L.M.*, Docket No. 13-1402 (issued February 7, 2014); *Delores C. Ellyett*, 41 ECAB 992 (1990).

In providing for a compensation program for federal employees, Congress did not contemplate an insurance program against any and every injury, illness, or mishap that might befall an employee contemporaneous or coincidental with his or her employment. Liability does not attach merely upon the existence of an employee-employer relation. Instead, Congress provided for the payment of compensation for disability or death of an employee resulting from personal injury sustained while in the performance of duty.⁸

The Board has interpreted the phrase “while in the performance of duty” to be the equivalent of the commonly found requisite in workers’ compensation law of arising out of and in the course of employment. The phrase “in the course of employment” encompasses the work setting, the locale, and time of injury. The phrase “arising out of the employment” encompasses not only the work setting, but also a causal concept with the requirement being that an employment factor caused the injury. In addressing this issue, the Board has held that in the compensation field, to occur in the course of employment, in general, an injury must occur: (1) at a time when the employee may reasonably be said to be engaged in his or her master’s business; (2) at a place where he or she may reasonably be expected to be in connection with the employment; and (3) while he or she was reasonably fulfilling the duties of his or her employment or engaged in doing something incidental thereto.⁹ In deciding whether an injury is covered by FECA, the test is whether, under all the circumstances, a causal relationship exists between the employment itself, or the conditions under which it is required to be performed and the resultant injury.¹⁰

The Board has recognized that, as a general rule, off-premises injuries sustained by employees having fixed hours and places of work while going to or coming from work, are not compensable, as they do not arise out of and in the course of employment. Such injuries are merely the ordinary, nonemployment hazards of the journey itself, which are shared by all travelers. There are recognized exceptions which are dependent upon the particular facts relative to each claim: (1) where the employment requires the employee to travel on the highways; (2) where the employing establishment contracts to and does furnish transportation to and from work; (3) where the employee is subject to emergency calls, as in the case of firefighters; and (4) where the employee uses the highway to do something incidental to his employment with the knowledge and approval of the employing establishment.¹¹

ANALYSIS

The Board finds that appellant has established that the September 11, 2025 incident occurred in the performance of duty, as alleged.

⁸ 5 U.S.C. § 8102(a); *see M.B.*, Docket No. 20-1072 (issued November 10, 2022); *J.N.*, Docket No. 19-0045 (issued June 3, 2019).

⁹ *K.G.*, Docket No. 18-1725 (issued May 15, 2019); *Kathryn S. Graham Wilburn*, 49 ECAB 458 (1998).

¹⁰ *See K.K.*, Docket No. 21-0538 (issued July 25, 2022); *J.C.*, Docket No. 17-0095 (issued November 3, 2017); *Mark Love*, 52 ECAB 490 (2001).

¹¹ *K.G.*, *supra* note 9; *J.H.*, Docket No. 10-0185 (issued July 19, 2010); *Connie J. Higgins (Charles H. Higgins)*, 53 ECAB 451 (2002); *Melvin Silver*, 45 ECAB 677 (1994).

Appellant alleged that on September 11, 2025, he was involved in a motor vehicle accident at 10:32 a.m. when his vehicle was rear ended by a another vehicle while in the performance of duty.

The evidence establishes that at the time of the September 11, 2025 employment incident, appellant was delivering supplies to CBOCs. G.R. acknowledged that appellant was in the performance of duty on September 11, 2025. He related that appellant delivered his supplies to the CBOCs on that day following the accepted September 11, 2025 employment incident. The employing establishment's September 11, 2025 motor vehicle trip ticket authorized appellant to take supplies to the CBOCs on that day. The September 30, 2025 report of accident signed by G.R. and another employing establishment representative indicated that appellant was involved in a motor vehicle accident on September 11, 2025 while on his way to the CBOCs. Therefore, the Board finds that appellant has established that the incident occurred in the performance of duty on September 11, 2025, as alleged. Consequently, the question becomes whether this incident caused an injury.¹²

As appellant has established that the September 11, 2025 employment incident occurred as alleged, the question becomes whether this incident caused an injury. Thus, the Board shall reverse OWCP's December 3, 2025 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 established that the alleged incident occurred in the performance of duty on September 11, 2025, as alleged.

¹² See *J.M.*, Docket No. 25-0784 (issued December 15, 2025); *C.O.*, Docket No. 25-0883 (issued November 24, 2025); *G.A.*, Docket No. 21-1362 (issued February 23, 2023); *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).

ORDER

IT IS HEREBY ORDERED THAT the December 3, 2025 decision of the Office of Workers' Compensation Programs is reversed. The case is remanded for further proceedings consistent with this decision of the Board.

Issued: August 21, 2026
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