

FACTUAL HISTORY

On April 2, 2025 appellant, then a 47-year-old inventory management specialist, filed a traumatic injury claim (Form CA-1) alleging that on February 27, 2025 he injured his left shoulder, right lower back, neck, and ears during a motor vehicle accident while in the performance of duty. He did not stop work. On May 7, 2025 OWCP accepted the claim for sprain of the ligaments of the lumbar spine, cervical radiculopathy, and lumbar radiculopathy.

By decision dated May 7, 2025, OWCP denied appellant's claim for COP, finding that he had not reported his injury on an OWCP-approved form within 30 days of his February 27, 2025 employment injury. It further noted that the decision affected only his entitlement to COP and did not affect his entitlement to other compensation benefits.

LEGAL PRECEDENT

Section 8118(a) of FECA authorizes COP, not to exceed 45 days, to an employee who has filed a claim for a period of wage loss due to a traumatic injury with his or her immediate superior on a form approved by the Secretary of Labor within the time specified in section 8122(a)(2) of this title.³ This latter section provides that written notice of injury shall be given within 30 days.⁴ The context of section 8122 makes clear that this means within 30 days of the injury.⁵

OWCP's regulations provide, in pertinent part, that to be eligible for COP, an employee must: (1) have a traumatic injury which is job related and the cause of the disability and/or the cause of lost time due to the need for medical examination and treatment; (2) file Form CA-1 within 30 days of the date of the injury; and (3) begin losing time from work due to the traumatic injury within 45 days of the injury.⁶

ANALYSIS

The Board finds that appellant has not met his burden of proof to establish entitlement to COP.

Appellant filed written notice of his February 27, 2025 traumatic injury on a Form CA-1 on April 2, 2025. As noted above, to be eligible for COP, a claimant must file a Form CA-1 within 30 days of the date of injury.⁷ Because appellant filed his Form CA-1 on April 2, 2025, more than 30 days after the February 27, 2025 date of injury, the Board finds that he has not met his burden of proof.

³ *Supra* note 1 at § 8118(a).

⁴ *Id.* at § 8122(a)(2).

⁵ *G.C.*, Docket No. 25-0726 (issued September 12, 2025); *E.M.*, Docket No. 20-0837 (issued January 27, 2021); *J.S.*, Docket No. 18-1086 (issued January 17, 2019); *Robert M. Kimzey*, 40 ECAB 762, 763-64 (1989); *Myra Lenburg*, 36 ECAB 487, 489 (1985).

⁶ 20 C.F.R. § 10.205(a)(1-3); *see also T.S.*, Docket No. 19-1228 (issued December 9, 2019); *J.M.*, Docket No. 09-1563 (issued February 26, 2010); *Dodge Osborne*, 44 ECAB 849 (1993); *William E. Ostertag*, 33 ECAB 1925 (1982).

⁷ *Id.* *See also A.B.*, Docket No. 25-0205 (issued January 28, 2025).

Appellant may submit new evidence or argument with a written request for reconsideration to OWCP within one year of this 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 entitlement to COP.

ORDER

IT IS HEREBY ORDERED THAT the May 7, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: February 5, 2026
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