



## **FACTUAL HISTORY**

On July 13, 2024 appellant, then a 45-year-old mail handler, filed a traumatic injury claim (Form CA-1) alleging that on July 6, 2024 he sustained bilateral arm and upper shoulder strains performing daily repetitive work loading and dumping machines in the performance of duty. He stopped work on July 6, 2024, and returned to work on July 7, 2024.

In a July 10, 2024 disability note, Dr. Gibran Rasul Sofi, a Board-certified family medicine physician, related that appellant was placed on modified work activities from July 10 to 24, 2024.

In a development letter dated December 16, 2024, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence needed. OWCP afforded appellant 60 days to submit the necessary evidence.

In a progress note dated July 10, 2024, Dr. Sofi related appellant's physical examination findings and diagnosed bilateral trapezius strain and left rotator cuff sprain. He noted that appellant related bilateral shoulder fatigue which was worse on the left and that he had short-lived symptoms prior to the current episode.

In a follow-up letter dated January 10, 2025, OWCP advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish his claim. OWCP requested that appellant clarify whether he was claiming a traumatic injury or an occupational disease. It noted that he had 60 days from the December 16, 2024 letter to submit the requested 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.

In an undated statement, appellant related that on July 6, 2024 he felt worsening pain after performing heavy lifting. He also related that his worsening pain was cumulative over the span of two to three years performing heavy lifting every shift.

By decision dated February 24, 2025, OWCP denied the claim, finding that the evidence was insufficient to establish a causal relationship between appellant's diagnosed conditions and the accepted employment factors.

OWCP subsequently received a July 10, 2024 state form report from Dr. Sofi who diagnosed bilateral trapezius strain and left rotator cuff capsule sprain. He recounted appellant's complaints of bilateral shoulder fatigue and his physical examination findings.

In a September 27, 2024 report, Dr. Malia Tarpley, a physician specializing in emergency medicine, noted an injury date of July 6, 2024. She related that appellant had onset of symptoms with no precipitating event, and diagnosed right shoulder pain and bilateral trapezius strain.

In a June 4, 2025 work status report, Dr. Sofi placed appellant on modified work for the period June 4 through 25, 2025. He provided restrictions of no lifting, carrying, pushing, or pulling more than 15 pounds for either arm. In another report of even date, Dr. Sofi noted appellant's July 6, 2024 injury date and diagnosed bilateral trapezius strain. He noted appellant's history was suggestive of work-related overuse strain.

In an undated state form report, Dr. Harinder Kumar Dhir, Board-certified in occupational medicine and preventive medicine, noted appellant's July 6, 2024 injury date, and that he was first

seen on June 18, 2025. Appellant described feeling pain above the shoulder blades on July 6, 2024. He explained that for the past year or so he carried a lot of mail weighing over 50 pounds. Appellant's pain was now recurring after starting a month prior but was not as bad as a year ago. Dr. Dhir diagnosed bilateral trapezius strain. In a disability note of even date, he placed appellant on modified work from June 18 through July 11, 2025.

In a June 19, 2025 report, Dr. Tarpley related that appellant was seen on September 27, 2024 with right-sided shoulder pain after lifting heavy boxes at work. She diagnosed right shoulder pain and indicated that there was a clear traumatic mechanism.

On June 22, 2025 appellant requested reconsideration.

In a letter dated July 3, 2025, OWCP informed appellant that it was unclear from the evidence as to whether he was claiming an occupational disease claim or a traumatic injury claim. It provided him with definitions for each type of claim and afforded him 20 days to submit the necessary evidence.

In his July 3, 2025 response, appellant explained that he first believed he had sustained a traumatic injury on July 6, 2024. However, upon further consideration and after reviewing definitions, he believed that his condition was occupational, not traumatic.

In a July 8 and 9, 2025 reports, Dr. Dhir recounted appellant's subjective complaints and diagnosed bilateral trapezius strain. He placed appellant on modified work from July 8 to 29, 2025.

In a July 29, 2025 report, Dr. Anya Ren Myers, a Board-certified physiatrist, noted appellant's history of injury and diagnosed bilateral trapezius strain and one-inch subcutaneous swelling in the distal clavicle -- possible lipoma. In a disability note of even date, she found appellant capable of modified work for the period July 29 through August 19, 2025.

An August 19, 2025 progress report from Dr. Dhir was repetitive of prior reports. Dr. Dhir related appellant was capable of modified work from August 19 through September 10, 2024.

By decision dated September 9, 2025, OWCP denied appellant's claim for COP, finding that he had claimed an occupational disease, not a traumatic injury as he alleged that his bilateral shoulder condition had been caused by incidents or events occurring over more than one work shift. It advised him that this decision did not affect his entitlement to other compensation benefits.

In a separate decision also dated September 9, 2025, OWCP denied modification of the February 24, 2025 decision.

In state progress reports dated September 10 and 19, 2025, Dr. Dhir provided repetitive findings. He diagnosed bilateral trapezius strain and found appellant capable of working in a modified position from September 10 through 19, 2025. In a work status report of even date, Dr. Dhir noted a July 6, 2024 injury and placed appellant on modified duty from September 10 through 19, 2025.

On October 13, 2025 appellant requested reconsideration.

By decision dated October 28, 2025, OWCP denied modification of the prior decisions.

## LEGAL PRECEDENT -- ISSUE 1

An employee seeking benefits under FECA<sup>3</sup> 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,<sup>4</sup> 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>5</sup> 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.<sup>6</sup>

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit: (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.<sup>7</sup>

The medical evidence required to establish a causal relationship between a claimed specific condition and an employment incident is rationalized medical opinion evidence.<sup>8</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>9</sup>

## ANALYSIS -- ISSUE 1

The Board finds that appellant has not met his burden of proof to establish a medical condition causally related to the accepted factors of his federal employment.

In support of his claim, appellant submitted multiple reports covering the period July 10, 2024 through June 4, 2025 from Dr. Sofi who diagnosed bilateral trapezius strain and advised that appellant could perform modified work. In his multiple reports dated July 10, 2024, Dr. Sofi did not provide an opinion on causal relationship between appellant's diagnosed medical conditions

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<sup>3</sup> *Supra* note 1.

<sup>4</sup> *I.D.*, Docket No. 25-0372 (issued April 11, 2025); *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).

<sup>5</sup> *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).

<sup>6</sup> *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).

<sup>7</sup> *P.L.*, Docket No. 19-1750 (issued March 26, 2020); *R.G.*, Docket No. 19-0233 (issued July 16, 2019); *L.M.*, Docket No. 13-1402 (issued February 7, 2014); *Delores C. Ellyett, id.*

<sup>8</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>9</sup> *A.S.*, Docket No. 19-1955 (issued April 9, 2020); *Leslie C. Moore*, 52 ECAB 132 (2000).

and the accepted employment factors. The Board has held that medical evidence that does not offer an opinion regarding the cause of an employee's condition is of no probative value on the issue of causal relationship.<sup>10</sup> In his report dated June 4, 2025, Dr. Sofi noted appellant's July 6, 2024 injury date, diagnosed bilateral trapezius strain, and indicated that appellant's history was suggestive of work-related overuse strain. The Board has long held that an opinion which is equivocal or speculative in nature is of limited probative value.<sup>11</sup> Dr. Sofi's opinion was speculative in nature. Thus, these reports are insufficient to establish appellant's claim.

OWCP also received a September 27, 2024 report from Dr. Tarpley who diagnosed bilateral trapezius strain. In a June 19, 2025 report, Dr. Tarpley noted appellant's history of injury and related that appellant's diagnosed condition had a clear traumatic mechanism. The Board has held that medical opinion evidence must offer a medically-sound explanation of how the specific employment incident physiologically caused injury.<sup>12</sup> As Dr. Tarpley did not explain how a traumatic mechanism physiologically caused injury, the Board finds that her report is insufficient to establish appellant's claim.

OWCP also received reports covering the period June 18 through September 19, 2025 from Dr. Dhir who diagnosed bilateral trapezius strain and a July 29, 2025 report from Dr. Myers who diagnosed bilateral trapezius strain. Neither of these physicians, however, offered any opinion on the causal relationship between appellant's diagnosed medical condition and the accepted employment factors. As noted above, the Board has held that medical evidence that does not offer an opinion regarding the cause of an employee's condition is of no probative value on the issue of causal relationship.<sup>13</sup> Thus, these reports are insufficient to establish appellant's claim.

As the medical evidence of record is insufficient to establish a medical condition causally related to the accepted factors of appellant's federal employment, the Board finds that he has not met his burden of proof.

### **LEGAL PRECEDENT -- ISSUE 2**

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

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<sup>10</sup> *C.G.*, Docket No. 25-0656 (issued August 14, 2025); *J.C.*, Docket No. 25-0521 (issued June 6, 2025); *G.M.*, Docket No. 24-0388 (issued May 28, 2024); *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

<sup>11</sup> *S.L.*, Docket No. 23-0152 (issued May 16, 2023); *see L.L.*, Docket No. 21-0981 (issued July 1, 2022); *C.A.*, Docket No. 21-0601 (issued November 15, 2021); *J.P.*, Docket No. 19-0216 (issued December 13, 2019); *T.M.*, Docket No. 08-0975 (issued February 6, 2009).

<sup>12</sup> *C.L.*, Docket No. 25-0593 (issued July 15, 2025); *K.J.*, Docket No. 21-0020 (issued October 22, 2021); *L.R.*, Docket No. 16-0736 (issued September 2, 2016); *J.R.*, Docket No. 12-1099 (issued November 7, 2012); *Douglas M. McQuaid*, 52 ECAB 382 (2001).

<sup>13</sup> *Supra* note 10.

this title.<sup>14</sup> This latter section provides that written notice of injury must be given within 30 days.<sup>15</sup> The context of section 8122 makes clear that this means within 30 days of the injury.<sup>16</sup>

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 a 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.<sup>17</sup>

### **ANALYSIS -- ISSUE 2**

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

Appellant initially filed a Form CA-1 for a traumatic injury, but he later explained in several statements that his claimed upper extremity injury was caused by performing work duties, including heavy lifting, over a period of time. As his injuries occurred over more than a single workday or shift, the Board finds that OWCP properly determined that appellant's claim was one for an occupational disease rather than a traumatic injury.<sup>18</sup> Consequently, appellant is not eligible for COP.<sup>19</sup>

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 a medical condition causally related to the accepted factors of his federal employment. The Board further finds that appellant has not met his burden of proof to establish entitlement to COP.

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<sup>14</sup> *Supra* note 1 at § 8118.

<sup>15</sup> *Id.* at 122(a)(2).

<sup>16</sup> *C.B.*, Docket No. 23-1035 (issued June 5, 2024); *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 762-64 (1989); *Myra Lenburg*, 36 ECAB 487, 489 (1985).

<sup>17</sup> 20 C.F.R. § 10.205(a) (1-3); *see also C.B., id.; 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).

<sup>18</sup> 20 C.F.R. §§ 10.5(q), 10.5(ee); *see also A.B.*, Docket No. 19-0842 (issued September 17, 2019); *J.F.*, Docket No. 10-2134 (issued July 6, 2011).

<sup>19</sup> *See R.M.*, Docket No. 21-0446 (issued January 12, 2022); *S.G.*, Docket No. 20-0538 (issued December 9, 2020); *C.C.*, Docket No. 18-0912 (issued July 11, 2019); *J.V.*, Docket No. 15-0942 (issued March 8, 2016).

**ORDER**

**IT IS HEREBY ORDERED THAT** the September 9 and October 28, 2025 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: February 27, 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