

FACTUAL HISTORY

On July 23, 2025 appellant, then a 62-year-old city carrier, filed a traumatic injury claim (Form CA-1) alleging that on July 11, 2025 she experienced heat exhaustion, nausea, vomiting, headache, and fatigue in an unairconditioned postal vehicle as afternoon temperatures were over 90 degrees while performance of duty.³ On the reverse side of the claim form, the employing establishment checked a box marked “No” indicating that appellant was not in the performance of duty when injured, and asserted that she did not work on the alleged date of injury. Appellant stopped work on July 23, 2025 and returned to modified-duty work on July 20, 2025.

In a July 29, 2025 letter controverting appellant’s claim, the employing establishment asserted that at 2:50 a.m. on July 11, 2025 appellant requested leave for that date.

In a development letter dated July 31, 2025, 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 afforded her 60 days to submit the necessary evidence.

In support of her claim, appellant submitted medical evidence dated July 23, 2025 indicating that she developed heat intolerance four days prior to seeking treatment.

By decision dated October 2, 2025, OWCP denied appellant’s traumatic injury claim, finding that the evidence of record was insufficient to establish that the employment event occurred as alleged. Therefore, it concluded that the requirements had not been met to establish an injury as defined by FECA.

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

³ OWCP assigned the present claim OWCP File No. xxxxxx727. Appellant previously filed an occupational disease claim (Form CA-2) for renal failure on July 26, 2024 due to dehydration caused by exposure to excessive outdoor temperatures and working out of a vehicle with no air conditioning. OWCP assigned that claim OWCP File No. xxxxxx375 and accepted it for acute kidney failure due to dehydration, dehydration, nonsuppurative otitis media, and nausea with vomiting.

⁴ *Supra* note 2.

⁵ *E.K.*, Docket No. 22-1130 (issued December 30, 2022); *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).

⁶ *S.H.*, Docket No. 22-0391 (issued June 29, 2022); *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).

⁷ *E.H.*, Docket No. 22-0401 (issued June 29, 2022); *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).

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) rationalized medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.⁸

An injury does not have to be confirmed by eyewitnesses in order to establish the fact that an employee sustained an injury in the performance of duty, but the employee's statements must be consistent with the surrounding facts and circumstances and his or her subsequent course of action.⁹ The employee has not met his or her burden of proof to establish the occurrence of an injury when there are inconsistencies in the evidence that cast serious doubt upon 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 an employee's statements in determining whether a *prima facie* case has been established.¹⁰ An employee's statements 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.¹¹

ANALYSIS

The Board finds that this case is not in posture for decision.

Appellant alleged on her Form CA-1 that, on July 11, 2025, she experienced heat exhaustion, nausea, vomiting, headache, and fatigue when in an unairconditioned postal vehicle as afternoon temperatures were over 90 degrees while in the performance of duty. In a development letter dated July 31, 2025, 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 afforded her 60 days to submit the necessary evidence. OWCP did not request information from the employing establishment regarding the accuracy of appellant's allegations.

Proceedings under FECA are not adversarial in nature, nor is OWCP a disinterested arbiter. While appellant has the burden of proof to establish entitlement to compensation, OWCP shares the responsibility in the development of the evidence, particularly when such evidence is of the character normally obtained from the employing establishment or other governmental source.¹² Furthermore, OWCP's procedures require that OWCP request specific information from the

⁸ *T.M.*, Docket No. 20-0712 (issued November 10, 2020); *S.C.*, Docket No. 18-1242 (issued March 13, 2019); *R.H.*, 59 ECAB 382 (2008).

⁹ *M.F.*, Docket No. 18-1162 (issued April 9, 2019); *Charles B. Ward*, 38 ECAB 667, 67-71 (1987).

¹⁰ *K.H.*, Docket No. 22-0370 (issued July 21, 2022); *Betty J. Smith*, 54 ECAB 174 (2002); *see also L.D.*, Docket No. 16-0199 (issued March 8, 2016).

¹¹ *See K.H., id.*; *M.C.*, Docket No. 18-1278 (issued March 7, 2019); *D.B.*, 58 ECAB 464, 466-67 (2007).

¹² *A.C.*, Docket No. 16-0081 (issued August 15, 2016); *Richard Kendall*, 43 ECAB 790 (1992).

employing establishment with regard to whether an off-premises employee was injured in the performance of duty.¹³

The case shall therefore be remanded for further development. On remand, OWCP shall obtain information from the employing establishment, including a statement from appellant's supervisor regarding the nature of appellant's off-premises employment and possible exposure to excessive heat on July 11, 2025. As appellant's claim under OWCP File No. xxxxxx375 also involved heat exposure, for full and fair adjudication, OWCP shall administratively combine OWCP File No. xxxxxx375 with the present claim.¹⁴ Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.

CONCLUSION

The Board finds that this case is not in posture for decision.

ORDER

IT IS HEREBY ORDERED THAT the October 2, 2025 decision of the Office of Workers' Compensation Programs is set aside, and the case is remanded for further proceedings consistent with this order of the Board.

Issued: February 25, 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

¹³ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Performance of Duty*, Chapter 2.804.5 (August 1992).

¹⁴ OWCP's procedures provide that cases should be administratively combined when correct adjudication of the issues depends on frequent cross-referencing between files. Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8c (February 2000). See also *Order Remanding Case, L.G.*, Docket No. 23-0477 (issued January 8, 2026); *Order Remanding Case, S.B.*, Docket No. 25-0797 (issued November 26, 2025); *Order Remanding Case, M.L.*, Docket No. 20-1176 (issued April 29, 2021); *Order Remanding Case, L.M.*, Docket No. 19-1490 (issued January 29, 2020); *Order Remanding Case, L.H.*, Docket No. 18-1777 (issued July 2, 2019).

Employees' Compensation Appeals Board