



while performing adult chest compressions during cardiopulmonary resuscitation (CPR) training while in the performance of duty. On the reverse side of the claim form, appellant's supervisor acknowledged that appellant was injured in the performance of duty and indicated that her knowledge of the alleged incident comported with appellant's account of events.

In an after-visit summary dated June 5, 2025, Morgan Miller, a Board-certified family nurse practitioner, diagnosed unspecified low back pain and indicated that appellant was off work. She advised that appellant may return to work on June 7, 2025.

In an undated Occupational Safety and Health Administration (OSHA) Form 301 injury and illness incident report, appellant reported that on May 29, 2025 she sustained a back injury while performing 60 adult chest compressions.

In a June 18, 2025 letter, the employing establishment controverted appellant's claim, asserting that she had a preexisting history of Osteopenia. It submitted a June 11, 2025 e-mail from appellant in response to its request for additional information regarding her claim. Appellant explained that she believed her recent back condition was "from performing chest compressions on the adult manikin [sic] on May 29, 2025." She claimed that she had not done anything else strenuous. Appellant's back started aching that night and continued to worsen. She subsequently sought medical treatment on June 2 and 5, 2025, where she was prescribed pain medication and held off work. Appellant further explained that "[d]ue to the bone loss, certain activities can cause back pain."

In a development letter dated June 23, 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 provided a questionnaire for her completion. OWCP afforded appellant 60 days to submit the necessary evidence.

In a follow-up letter dated July 21, 2025, 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 June 23, 2025 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. No response was received.

By decision dated August 25, 2025, OWCP denied appellant's traumatic injury claim, finding that the evidence of record was insufficient to establish that the May 29, 2025 incident occurred as alleged. It concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

### **LEGAL PRECEDENT**

An employee seeking benefits under FECA<sup>2</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

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<sup>2</sup> *Id.*

limitation of FECA,<sup>3</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>4</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>5</sup>

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it first must be determined whether fact of injury has been established. First, the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time and place, and in the manner alleged. Second, the employee must submit sufficient evidence to establish that the employment incident caused an injury.<sup>6</sup>

To establish that an injury occurred as alleged, the injury does not have to 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.<sup>7</sup> 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.<sup>8</sup> An employee's statements alleging that an injury occurred at a given time and in a given manner are of great probative value and will stand unless refuted by strong or persuasive evidence.<sup>9</sup>

### ANALYSIS

The Board finds that appellant has met her burden of proof to establish a traumatic incident in the performance of duty on May 29, 2025, as alleged.

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<sup>3</sup> *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).

<sup>4</sup> *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).

<sup>5</sup> *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).

<sup>6</sup> *R.R.*, Docket No. 25-0535 (issued June 23, 2025); *H.M.*, Docket No. 22-0343 (issued June 28, 2022); *T.J.*, Docket No. 19-0461 (issued August 11, 2020); *K.L.*, Docket No. 18-1029 (issued January 9, 2019); *John J. Carlone*, 41 ECAB 354 (1989).

<sup>7</sup> *M.F.*, Docket No. 18-1162 (issued April 9, 2019); *Charles B. Ward*, 38 ECAB 667, 67-71 (1987).

<sup>8</sup> *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).

<sup>9</sup> *See K.H., id.*; *M.C.*, Docket No. 18-1278 (issued March 7, 2019); *D.B.*, 58 ECAB 464, 466-67 (2007).

In her Form CA-1, appellant alleged that on May 29, 2025, she sustained a back injury while performing adult chest compressions during CPR training while in the performance of duty. On the reverse side of the claim form, appellant's supervisor acknowledged that appellant was injured in the performance of duty and indicated that her knowledge of the alleged incident comported with appellant's account of events. In an undated OSHA Form 301, appellant reported that on May 29, 2025 she sustained a back injury while performing 60 adult chest compressions in the performance of duty. In a June 11, 2025 e-mail from appellant in response to the employing establishment's request for additional information regarding her claim, appellant explained that she believed her recent back condition was "from performing chest compressions on the adult manikin [sic] on May 29, 2025." Appellant claimed that she had not done anything else strenuous. Her back started aching that night and continued to worsen. Appellant subsequently sought medical treatment on June 2 and 5, 2025, where she was prescribed pain medication and held off work. She further explained that "[d]ue to the bone loss, certain activities can cause back pain."

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 persuasive evidence.<sup>10</sup> As appellant has provided consistent statements that she performed adult chest compressions on May 29, 2025 in the performance of duty, the Board finds that she has established that the employment incident occurred on May 29, 2025, as alleged.

As appellant has established that the May 29, 2025 employment incident occurred as alleged, the question becomes whether this incident caused an injury.<sup>11</sup> Thus, the Board shall reverse OWCP's August 25, 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 met her burden of proof to establish a traumatic incident in the performance of duty on May 29, 2025, as alleged.

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<sup>10</sup> *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).

<sup>11</sup> *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).

**ORDER**

**IT IS HEREBY ORDERED THAT** the August 25, 2025 decision of the Office of Workers' Compensation Programs is reversed and this case is remanded for further proceedings consistent with this decision of the Board.

Issued: February 19, 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