

**United States Department of Labor
Employees' Compensation Appeals Board**

<p>H.H., Appellant</p> <p>and</p> <p>DEPARTMENT OF HOMELAND SECURITY, TRANSPORTATION SECURITY ADMINISTRATION, RICHMOND INTERNATIONAL AIRPORT, Richmond, VA, Employer</p>)))))))	Docket No. 26-0012 Issued: January 28, 2026
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Appearances:

Case Submitted on the Record

Appellant, pro se

Office of Solicitor, for the Director

DECISION AND ORDER

Before:

ALEC J. KOROMILAS, Chief Judge
PATRICIA H. FITZGERALD, Deputy Chief Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On October 7, 2025 appellant, through counsel, filed a timely appeal from an October 1, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act¹ (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

ISSUE

The issue is whether appellant has met his burden of proof to establish a bilateral shoulder condition in the performance of duty, as alleged.

¹ 5 U.S.C. § 8101 *et seq.*

FACTUAL HISTORY

On July 10, 2025 appellant, then a 42-year-old transportation security officer (TSO), filed an occupational disease claim (Form CA-2) alleging that he developed bilateral shoulder injuries causally related to factors of his federal employment, including lots of heavy lifting. He noted that he first became aware of his condition on January 8, 2015, and realized its relationship to his federal employment on January 8, 2024.

In a July 14, 2025 development letter, 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 separate development letter of even date, it requested that the employing establishment provide additional information regarding appellant's claim, including comments from a knowledgeable supervisor. OWCP afforded the employing establishment 30 days to provide the requested information.

On July 17, 2025 appellant responded to the July 14, 2025 development letter and described his federal work duties of standing, repetitive arm and shoulder movements, and frequent heavy lifting. He related that he experienced mild shoulder pain during his military service in 2014, but that beginning in January 2024 his shoulder pain became severe and unbearable causing him to lose strength in both arms such that he was unable to lift light objects.

In a series of treatment notes dated June 28, 2017, Feng Zhang, an advanced practice registered nurse, described appellant's service-related conditions.

In a July 21, 2025 narrative report, Dr. Yasmin Ahmed, a Board-certified family practitioner, diagnosed bilateral sprains of the rotator cuff capsules. She opined that appellant's diagnosed conditions resulted from cumulative trauma sustained over the course of his employment during his duties of repeatedly lifting, carrying, and maneuvering bags weighing up to 50 pounds. Dr. Ahmed completed an attending physician's report (Form CA-20) of even date repeating the diagnosis of bilateral rotator cuff sprains, and a work capacity evaluation (Form OWCP-5c) of even date diagnosing bilateral rotator cuff injuries. She related that appellant was totally disabled from work due to bilateral shoulder injuries caused by repetitive overhead motion and heavy lifting as a transportation security agent.

On August 15, 2025 the employing establishment responded to the July 14, 2025 development letter relating that appellant had stopped work on July 4, 2024 and that commencing December 6, 2024 he was determined to be "Not Medically Qualified" to perform the duties of a TSO due to a medical condition unrelated to his July 10, 2025 bilateral shoulder claim. It listed the physical demands of a TSO as walking, standing, bending, and handling items which included a requirement to repeatedly lift and carry items weighing up to 50 pounds without assistance.

In a follow-up letter dated August 18, 2025, OWCP 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 July 14, 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. No additional evidence was received.

On October 1, 2025 the employing establishment removed appellant from his TSO position as he was not medically qualified to provide the duties of that position.

By decision dated October 1, 2025, OWCP denied appellant's claim, finding that he had not established the implicated factors of employment. 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 has the burden of proof to establish the essential elements of his or her claim, including the fact that the individual is an employee of the United States within the meaning of FECA, that the claim was filed within the applicable time limitation, that an injury was sustained in the performance of duty as alleged, and that any disability or specific condition for which compensation is claimed is causally related to the employment injury.² 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.³

In an occupational disease claim, appellant's burden of proof requires submission of the following: (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.⁴

ANALYSIS

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

Appellant alleged that he developed bilateral shoulder injuries causally related to factors of his federal employment, including prolonged standing, repetitive arm and shoulder movements, and frequent heavy lifting. Dr. Ahmed, in a July 21, 2025 report, diagnosed bilateral sprains of the rotator cuff capsules and opined that appellant's diagnosed conditions resulted from cumulative trauma sustained over the course of his employment during his duties of repeatedly lifting, carrying, and maneuvering bags weighing up to 50 pounds. In an August 15, 2025 statement, the employing establishment listed appellant's work duties of walking, standing, bending, and handling items which included a requirement to repeatedly lift and carry items weighing up to 50 pounds without assistance.

² *K.K.*, Docket No. 23-0545 (issued December 11, 2024); *A.J.*, Docket No. 18-1116 (issued January 23, 2019); *Gary J. Watling*, 52 ECAB 278 (2001).

³ 20 C.F.R. § 10.115(e); *K.K.*, *id.*; *M.K.*, Docket No. 18-1623 (issued April 10, 2019); *see T.O.*, Docket No. 18-1012 (issued October 29, 2018); *see Michael E. Smith*, 50 ECAB 313 (1999).

⁴ *S.C.*, Docket No. 18-1242 (issued March 13, 2019); *R.H.*, 59 ECAB 382 (2008).

OWCP denied appellant's claim as it found that there was insufficient evidence to establish the implicated employment duties as factual. The Board finds that the description of the implicated employment duties provided by appellant, his physician, and the employing establishment includes a requirement to repeatedly lift and carry items weighing up to 50 pounds without assistance and that these descriptions are sufficient to establish the implicated employment duties.

As OWCP found that appellant had not established the implicated employment factors, it has not analyzed or developed the medical evidence. Thus, the Board shall set aside OWCP's October 1, 2025 decision and remand the case for consideration of the medical evidence with regard to whether appellant has established bilateral shoulder injuries in the performance of duty causally related to the accepted employment factors. After any further development as deemed necessary, OWCP shall issue a *de novo* decision on appellant's claim.

CONCLUSION

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

ORDER

IT IS HEREBY ORDERED THAT the October 1, 2025 decision of the Office of Workers' Compensation Programs is set aside, and the case is remanded for further proceedings consistent with this decision of the Board.

Issued: January 28, 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