

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

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N.H., Appellant )  
and )  
DEPARTMENT OF THE NAVY, NAVAL SEA )  
SYSTEMS COMMAND, PORTSMOUTH )  
NAVAL SHIPYARD, Kittery, ME, Employer )  
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)

**Docket No. 26-0014  
Issued: January 28, 2026**

*Appearances:*  
*Appellant, pro se*  
*Office of Solicitor, for the Director*

*Case Submitted on the Record*

**DECISION AND ORDER**

Before:  
PATRICIA H. FITZGERALD, Deputy Chief Judge  
JANICE B. ASKIN, Judge  
VALERIE D. EVANS-HARRELL, Alternate Judge

**JURISDICTION**

On October 7, 2025 appellant filed a timely appeal from a September 2, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act<sup>1</sup> (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 diagnosed medical condition in connection with the accepted June 5, 2025 employment incident.

**FACTUAL HISTORY**

On June 23, 2025 appellant, then a 20-year-old pipefitter and air conditioner equipment mechanics helper, filed a traumatic injury claim (Form CA-1) alleging that on June 5, 2025 he

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<sup>1</sup> 5 U.S.C. § 8101 *et seq.*

sustained an injury to his left arm when he tripped over a stair and slammed his arm against a metal guardrail while in the performance of duty.<sup>2</sup> He stopped work on June 6, 2025 and returned to work on June 9, 2025.

In a June 5, 2025 e-mail, appellant's supervisor, N.R., submitted a description of the employment incident. She related that on June 5, 2025 he was crossing the caisson in dry dock 3 to secure equipment when he tripped on a step and struck his arm causing pain and bruising. N.R. described the injury as "bruise/contusion" and called an ambulance. Appellant refused treatment and transport.

On June 9, 2025 appellant sought medical treatment from Simon Brown, a physician assistant, who released him to return to work.

In a June 30, 2025 development letter, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence required. OWCP afforded appellant 60 days to submit the necessary evidence.

OWCP subsequently received a June 26, 2025 form report from Dr. Aaron A. Patterson, an internist, relating that appellant sustained a work-related injury on June 5, 2025.

In a follow-up letter dated July 22, 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 June 30, 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 response was received.

By decision dated September 2, 2025, OWCP accepted that the June 5, 2025 employment incident occurred, as alleged. However, it denied the claim, finding that the evidence of record was insufficient to establish a diagnosed medical condition in connection with the accepted June 5, 2025 employment incident. OWCP 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>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

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<sup>2</sup> The claim form notes June 7, 2005 as the date of injury. However, this appears to be a typographical error as the evidence of record establishes that the claimed injury occurred on June 5, 2025.

<sup>3</sup> *Id.*

<sup>4</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).

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 determine whether a federal employee has sustained a traumatic injury in the performance of duty, it 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 medical evidence to establish that the employment incident caused an injury.<sup>7</sup>

The medical evidence required to establish 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 specific employment incident identified by the employee.<sup>9</sup>

Pursuant to OWCP's procedures, no development of a claim is necessary where the condition reported is a minor one, which can be identified on visual inspection by a lay person (e.g., burn, laceration, insect sting, or animal bite).<sup>10</sup> No medical report is required to establish a minor condition such as a contusion.<sup>11</sup>

## ANALYSIS

The Board finds that appellant has met his burden of proof to establish a diagnosed medical condition in connection with the accepted June 5, 2025 employment incident.

On June 5, 2025 appellant alleged upper extremity injuries after he tripped over a stair at work and struck his left arm against a metal guardrail. Supervisor N.R. acknowledged that on June 5, 2025 appellant was crossing the caisson in dry dock 3 to secure equipment when he

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<sup>5</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>6</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>7</sup> *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. Caralone*, 41 ECAB 354 (1989).

<sup>8</sup> *S.M.*, Docket No. 22-0075 (issued May 6, 2022); *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> *J.D.*, Docket No. 22-0935 (issued December 16, 2022); *T.L.*, Docket No. 18-0778 (issued January 22, 2020); *Y.S.*, Docket No. 18-0366 (issued January 22, 2020); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

<sup>10</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *Initial Development of Claims*, Chapter 2.800.6a (May 2023). *See also* Part 2 -- Claims, *Causal Relationship*, Chapter 2.805.3c (May 2023); *D.J.*, Docket No. 25-0581 (issued September 17, 2025).

<sup>11</sup> *Id.*; *see also* *L.O.*, Docket No. 25-0764 (issued September 24, 2025).

tripped on a step and struck his arm causing pain and bruising. She described the injury as “bruise/contusion” and called an ambulance.

OWCP’s procedures provide that, if a condition reported is a minor one, such as a burn, laceration, insect sting, or animal bite, which can be identified on visual inspection by a lay person, a case may be accepted without a medical report.<sup>12</sup> As appellant has established that he sustained a visible injury, the Board finds that he has met his burden of proof to establish a left arm contusion causally related to the accepted employment incident.

As appellant’s left arm contusion is a visible injury, the case must be remanded for OWCP to apply its procedures regarding the acceptance of visible injuries. Following this and other such further development as deemed necessary, it shall issue a *de novo* decision.

### **CONCLUSION**

The Board finds that appellant has met his burden of proof to establish a diagnosed medical condition in connection with the accepted June 5, 2025 employment incident.

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<sup>12</sup> *Id.*; see also *S.G.*, Docket No. 22-0016 (issued October 31, 2022); *J.B.*, Docket No. 21-1322 (issued April 4, 2022).

**ORDER**

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

Issued: January 28, 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  
Employees' Compensation Appeals Board