

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

T.M., Appellant

and

**U.S. POSTAL SERVICE, PLAINFIELD MAIN
POST OFFICE, Plainfield, NJ, Employer**

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**Docket No. 26-0239
Issued: July 15, 2026**

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

Case Submitted on the Record

DECISION AND ORDER

Before:

ALEC J. KOROMILAS, Chief Judge
PATRICIA H. FITZGERALD, Deputy Chief Judge
JANICE B. ASKIN, Judge

JURISDICTION

On January 13, 2026 appellant filed a timely appeal from a December 29, 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.²

ISSUE

The issue is whether appellant has met her burden of proof to establish a traumatic incident in the performance of duty on August 28, 2025, as alleged.

¹ 5 U.S.C. § 8101 *et seq.*

² The Board notes that, following the issuance of the December 29, 2025 decision, OWCP received additional evidence. The Board's *Rules of Procedure* provides: "The Board's review of a case is limited to the evidence in the case record that was before OWCP at the time of its final decision. Evidence not before OWCP will not be considered by the Board for the first time on appeal." 20 C.F.R. § 501.2(c)(1). Thus, the Board is precluded from reviewing this additional evidence for the first time on appeal. *Id.*

FACTUAL HISTORY

On August 29, 2025 appellant, then a 38-year-old sales services distribution clerk, filed a traumatic injury claim (Form CA-1) alleging that on August 28, 2025 she sustained injuries when ceiling tiles fell and struck her head and neck while in the performance of duty. She stopped work on the date of injury and returned to full-time regular-duty work without restrictions on August 29, 2025. On the reverse side of the claim form, appellant's supervisor acknowledged that appellant was injured in the performance of duty. However, she contended that appellant never reported that the ceiling had fallen on her head and, thus, management did not investigate the claimed incident.

In a statement dated August 29, 2025, appellant related that she was working when the ceiling collapsed as she was heading to the back of the facility to separate accumulated mail. She indicated that the debris contained wet tile, dirt, and a motion detector. Appellant also notified her supervisor, R.H., and a union representative of the incident and the supervisor dispatched a custodian to clean up. She asserted that this statement served as notification to management regarding the claimed incident.

OWCP subsequently received medical evidence. In a September 8, 2025 prescription note, Dr. Angel L. Lazo, Jr., a Board-certified internist, held appellant off work from August 28 through September 15, 2025 due to a medical condition.

In an after-visit summary dated September 12, 2025, Dr. Alexander P. Lee, an emergency medicine specialist, indicated that appellant was treated for a headache on that day. He diagnosed headache; post-concussion syndrome; and acute non-intractable headache, unspecified headache type. In a note of even date, Dr. Lee advised that appellant may return to work on September 19, 2025.

In a September 19, 2025 attending physician's report (Form CA-20), Tyler J. Duggan, a certified physician assistant, noted a history of injury that the ceiling and an AC unit fell on top of appellant and diagnosed cervical radiculopathy and pain in the thoracic spine due to the described employment activity. He advised that the diagnosed conditions were caused or aggravated by the described employment activity. Mr. Duggan indicated that appellant was partially disabled commencing August 28, 2025, and she could return to full-duty work on December 19, 2025. In a duty status report (Form CA-17) of even date, he noted a date of injury as August 28, 2025. Mr. Duggan again diagnosed cervical radiculopathy and thoracic spine pain due to injury. He noted that appellant was unable to perform her regular work and listed her work restrictions. In a referral also of even date, Mr. Duggan ordered physical therapy, occupational therapy, and chiropractic care to treat appellant's diagnoses of cervical pain and cervical radicular pain.

OWCP also received an August 29, 2025 Request for or Notification of Absence (PS Form 3971), wherein appellant indicated that on August 28, 2025 she sustained an on-the-job injury when the ceiling collapsed.

Additionally, OWCP received an August 28, 2025 report from a healthcare provider indicating that appellant was evaluated on that date and diagnosed as having head injury and cervical muscle strain.

Appellant also resubmitted a copy of her Form CA-1; and a copy of her statement dated August 29, 2025.

On October 2, 2025, the employing establishment continued to controvert appellant's claim, asserting that there was no witness to the ceiling falling on her head. It also contended that the initial medical evidence submitted which included August 28 and September 8, 2025 reports failed to provide a medical diagnosis or address appellant's work status.

OWCP subsequently received additional medical evidence. In an October 8, 2025 medical report, Dr. Michael Willemse, a chiropractor, noted that appellant presented with the chief complaint of neck and low back pain status post an October 28, 2025 work-related accident. He recounted that she reported that ceiling tiles fell on her head, which provoked a severe history of nausea, dizziness, blurry vision, and tinnitus in the left ear. Dr. Willemse discussed his examination findings and diagnosed radiculopathy, cervical region; dizziness and giddiness; and pain in the thoracic spine.

In magnetic resonance imaging (MRI) scans dated October 14, 2025, Dr. Saurabh K. Dang, a Board-certified anesthesiologist and pain medicine physician, addressed appellant's lumbar, cervical, and thoracic spine conditions. In an October 15, 2025 progress note, he noted a history of injury that on August 28, 2025 appellant was working at the employing establishment when the ceiling and AC unit collapsed on top of her which caused multiple painful injuries and loss of consciousness. Dr. Dang reported his examination findings and provided assessments of cervical and lumbar spine pain, thoracic pain at multiple sites, and cervical radicular pain.

In an October 2, 2025 report, Dr. Keyvan Jahanbakhsh, a Board-certified anesthesiologist and pain medicine physician, noted appellant's complaint of neck pain, which began after a work accident on August 28, 2025. He discussed his examination findings and provided assessments of cervicalgia; and other cervical disc degeneration unspecified cervical region.

In a development letter dated October 28, 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. 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 the circumstances of the claimed August 28, 2025 employment injury. OWCP afforded the employing establishment 30 days to respond.

Subsequently, OWCP continued to receive medical evidence.

In a statement dated November 8, 2025, appellant responded to OWCP's development letter. She related that after collecting accumulated mail at the front of a station at the employing establishment, she proceeded to the rear of the office to retrieve necessary equipment, which consisted of bags and buckets, stored in the back of a station near the back door. Upon approaching the area where the bags and buckets were located, the ceiling began to crumble down on appellant. Following the collapse of the ceiling, she observed a leaky AC unit. Appellant then contacted R.H. and her union representative, who inquired about her well-being and requested that she provide a statement regarding the incident. She claimed that the alleged incident was reported on the same day, and management was notified *via* email. Appellant provided additional details in a statement the next day but indicated that she submitted the

information on an incorrect form. Additionally, she noted that there were e-mails that corroborated her report. Appellant noted that the supervisor on duty dispatched the janitor to clean up the debris.

On November 20, 2025 the employing establishment responded to OWCP's development letter. It related that appellant was on its premises at the time of the claimed injury, but she did not mention any injury or anything hitting her shoulder. The employing establishment reiterated that appellant was in the performance of duty at the time of the claimed injury. It also contended that there was no witness to the claimed incident, only pictures of the fallen ceiling tiles.

The employing establishment submitted a photograph showing the area where the ceiling tiles had fallen.

OWCP continued to receive medical evidence.

In a follow-up letter dated December 5, 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 October 28, 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.

OWCP subsequently received an October 30, 2025 progress note, wherein Lauren Gasparini, a nurse practitioner, related that on October 28, 2025 appellant was working at the employing establishment when the ceiling and "AC unit" collapsed on top of her, which caused multiple painful injuries and loss of consciousness. She reported her examination findings and assessed cervical and lumbar pain. Ms. Gasparini also provided assessments of cervical radicular pain and pain in the thoracic spine at multiple sites.

Additionally, OWCP received a September 19, 2025 progress note, wherein Mr. Duggan reiterated appellant's history of injury on August 28, 2025. He also noted that she lost consciousness following her injury. Mr. Duggan discussed his examination findings and reiterated his prior assessments of cervical pain, cervical radicular pain, and thoracic spine pain at multiple sites.

By decision dated December 29, 2025, OWCP denied appellant's traumatic injury claim. It found that the evidence of record was insufficient to establish that the August 28, 2025 incident occurred as alleged. 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 FECA³ 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

³ *Supra* note 1.

limitation of FECA,⁴ 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.⁵ 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.⁶

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.⁷

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.⁸ 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.⁹ 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.¹⁰

ANALYSIS

The Board finds that appellant has met her burden of proof to establish a traumatic incident in the performance of duty on August 28, 2025, as alleged.

In her Form CA-1, appellant alleged that on August 28, 2025, she sustained head, neck, and upper back injuries when ceiling tiles fell on her head and neck. On the reverse side of the

⁴ *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).

⁵ *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).

⁶ *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).

⁷ *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).

⁸ *M.F.*, Docket No. 18-1162 (issued April 9, 2019); *Charles B. Ward*, 38 ECAB 667, 67-71 (1987).

⁹ *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).

¹⁰ *See K.H., id.*; *M.C.*, Docket No. 18-1278 (issued March 7, 2019); *D.B.*, 58 ECAB 464, 466-67 (2007).

claim form, K.W., an employing establishment supervisor, acknowledged that appellant was in the performance of duty when injured, but contended that appellant never reported that the ceiling had fallen on her head and, thus, management did not investigate the claimed incident.

In an August 29, 2025 statement, November 8, 2025 response to OWCP's development letter, and an August 29, 2025 PS Form 3971, appellant explained that she was in an area in the back of the station to separate accumulated mail into bags and buckets when ceiling tiles fell on her. She also related that following the collapse she observed a leaky AC unit. Appellant also notified her supervisor, R.H., and a union representative of the incident and the supervisor dispatched a custodian to clean up the debris, which consisted of wet tile, dirt, and a motion detector. She sought emergency medical treatment on the date of injury and consistently described the incident to her medical providers. OWCP received an August 28, 2025 report from a healthcare provider indicating that appellant was evaluated on that date and diagnosed as having head injury and cervical muscle strain.

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.¹¹ Appellant has consistently maintained that her injury occurred when ceiling tiles fell on her head and neck while working. Therefore, the Board finds that appellant has met her burden of proof to establish an employment incident in the performance of duty on August 28, 2025, as alleged.¹²

As appellant has established that the August 28, 2025 employment incident occurred as alleged, the question becomes whether this incident caused an injury.¹³ Thus, the Board shall reverse OWCP's December 29, 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 August 28, 2025, as alleged.

¹¹ *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).

¹² *C.B.*, Docket No. 25-0222 (issued February 6, 2025); *M.S.*, Docket No. 22-0106 (issued August 9, 2022).

¹³ 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 December 29, 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: July 15, 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