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A.W., Appellant	)	
	)	
and	)	Docket No. 26-0347
	)	Issued: July 10, 2026
U.S. POSTAL SERVICE, POST OFFICE,	)	
Columbia, SC, Employer	)	
	)	

Case Submitted on the Record

Alan J. Shapiro, Esq., for the appellant¹
Office of Solicitor, for the Director

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

On March 2, 2026 appellant, through counsel, filed a timely appeal from a February 5, 2026 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act² (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.³

¹ In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; *see also* 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

² 5 U.S.C. § 8101 *et seq.*

³ The Board notes that following the February 5, 2026 decision, OWCP received additional evidence. However, 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.*

ISSUE

The issue is whether appellant has met her burden of proof to establish a diagnosed medical condition in connection with the accepted May 27, 2025 employment incident.

FACTUAL HISTORY

On June 4, 2025 appellant, then a 33-year-old city carrier, filed a traumatic injury claim (Form CA-1) alleging that on May 27, 2025 she sustained a right shoulder sprain with a torn ligament and inflammation when she stopped her vehicle at a mailbox, extended her right hand out the window, her foot slipped off the brake due to wet and rainy conditions, and the vehicle rolled forward, bending her arm back while in the performance of duty. She stopped work on May 28, 2025. On the reverse side of the claim form, the employing establishment contended that on May 27, 2025, when appellant returned to her duty station after delivering her route, she appeared fine and did not report an incident. The employing establishment further contended that the injury was caused by willful misconduct as appellant recounted different elements of the event to multiple managers.

In a development letter dated June 9, 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 subsequently received a May 29, 2025 after-visit summary which indicated that appellant had been seen by Shenae Long, a certified family nurse practitioner, for a right shoulder strain.

June 10, 2025 x-rays of the right shoulder revealed a probable anatomic variant os acromiale and were otherwise negative.

In a June 11, 2025 note, Dr. Fatmata Bah, an internist, held appellant off work through July 11, 2025 pending completion of physical therapy treatment for a diagnosis of right shoulder strain and pain. OWCP also received a June 11, 2025 after-visit summary by Dr. Bah, which indicated that appellant was seen that day for a right shoulder injury.

In a follow-up letter dated July 11, 2025, OWCP advised appellant that it had conducted an interim review and determined that the evidence remained insufficient to establish her claim as pain was not a valid diagnosis under FECA. It noted that she had 60 days from its June 9, 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 a July 10, 2025 work slip wherein Josh Whibley, a physician assistant, returned appellant to restricted duty effective July 12, 2025.

By decision dated August 12, 2025, OWCP found that the alleged incident occurred as described; however, it denied the claim, finding that the medical evidence of record was insufficient to establish a diagnosed medical condition in connection with the accepted employment incident. It concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

OWCP subsequently received an August 8, 2025 report wherein Dr. Bah related appellant's continued right shoulder pain with restricted motion. Dr. Bah noted that appellant participated in physical therapy treatments and had been scheduled for a diagnostic study. She assessed right shoulder pain.

In an August 15, 2025 report, Dr. Bah related that appellant had been off work due to chronic right shoulder pain. She provided an assessment of shoulder pain. Dr. Bah returned appellant to limited-duty work effective August 15, 2025.

On August 25, 2025 appellant requested reconsideration.

By decision dated September 11, 2025, OWCP denied modification of its August 12, 2025 decision.

OWCP subsequently received an August 8, 2025 after-visit summary by Dr. Bah, which indicated appellant had been seen that day for strain of right shoulder.

In an August 22, 2025 form report, Dr. Bah related that appellant sustained a "[r]ight shoulder injury requiring medication treatment, physical therapy and orthopedic care" during the period June 6 through August 15, 2025.

A September 25, 2025 magnetic resonance imaging (MRI) arthrogram of the right shoulder reviewed by Dr. Jacob Kahn, a Board-certified diagnostic radiologist, and Dr. Benjamin Archambault, a diagnostic radiologist, demonstrated an impression of "[f]ocal low-grade undercutting of the anterior labrum at 3:00, which could reflect a small tear[,] mild distal supraspinatus and infraspinatus tendinosis, an intact biceps tendon, and no evidence of a rotator cuff tear.

On December 24, 2025 appellant, through counsel, requested reconsideration.

OWCP subsequently received chart notes by Mr. Whibley dated September 25 through December 8, 2025.

OWCP received a December 18, 2025 report wherein Dr. Josef K. Eichinger, a Board-certified orthopedic surgeon, related appellant's history of a May 27, 2025 employment incident wherein appellant held her right arm out her vehicle window while delivering mail and hyperextended her right shoulder. Dr. Eichinger indicated that she had subjective right shoulder instability with an apparently intact rotator cuff, but also "evidence of multidirectional instability with a positive [O'B]rien's exam." He noted an impression of a "labral tear with an enlarged redundant capsule consistent with shoulder instability." Dr. Eichinger reiterated that a right shoulder arthroscopic capsulorrhaphy was indicated.

OWCP subsequently received an October 6, 2025 report wherein Dr. Eichinger related appellant's account of five months of right shoulder instability "after an accident while she was at work delivering mail and she had her arm out of the truck and her foot slipped off the brake and the car rolled forward and it pulled her arm backward. She feels like the staple is loose and unstable." Physical therapy had not relieved her symptoms. On examination of the right shoulder, Dr. Eichinger observed positive O'Brien's, location, and posterior jerk tests, and a positive load

and shift examination. He opined that June 10, 2025 x-rays of the right shoulder demonstrated no degenerative changes or fracture, and that a right shoulder MRI scan demonstrated an impression of intact rotator cuff with “no obvious labral tear” and “redundant posterior capsule measuring 14 mm.” Dr. Eichinger provided a diagnosis of “right shoulder multidirectional instability” that failed conservative treatment. He recommended a right shoulder arthroscopic posterior capsulorrhaphy.

By decision dated February 5, 2026, OWCP denied modification of its September 11, 2025 decision.

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 and that the claim was filed within the applicable time limitation period 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 if an employee has sustained a traumatic injury in the performance of duty, OWCP begins with an analysis of whether fact of injury has been established. Fact of injury consists of two components that must be considered in conjunction with one another. The first component is whether the employee actually experienced the employment incident that allegedly occurred.⁷ The second component is whether the employment incident caused a personal injury.⁸

Rationalized medical opinion evidence is required to establish causal relationship. The opinion of the physician must be based on a complete factual and medical background, 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 the specific employment incident.⁹

⁴ See *R.B.*, Docket No. 18-1327 (issued December 31, 2018); *J.P.*, 59 ECAB 178 (2007); *Joe D. Cameron*, 41 ECAB 153 (1989).

⁵ *J.M.*, Docket No. 17-0284 (issued February 7, 2018); *R.C.*, 59 ECAB 427 (2008); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

⁶ *K.M.*, Docket No. 15-1660 (issued September 16, 2016); *L.M.*, Docket No. 13-1402 (issued February 7, 2014); *Delores C. Ellyett*, 41 ECAB 992 (1990).

⁷ *L.R.*, Docket No. 22-1310 (issued April 4, 2023); *B.P.*, Docket No. 16-1549 (issued January 18, 2017); *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁸ *L.R., id.*; *M.H.*, Docket No. 18-1737 (issued March 13, 2019); *John J. Carlone*, 41 ECAB 354 (1989).

⁹ *S.S.*, Docket No. 26-0259 (issued May 11, 2026); *S.S.*, Docket No. 18-1488 (issued March 11, 2019).

ANALYSIS

The Board finds that appellant has met her burden of proof to establish a diagnosed medical condition in connection with the accepted May 27, 2025 employment incident.

In support of her claim, appellant submitted a note dated June 11, 2025, approximately two weeks after the May 27, 2025 incident, wherein Dr. Bah noted a diagnosis of right shoulder strain. Dr. Bah again diagnosed right shoulder strain in an August 8, 2025 after-visit summary. Additionally, in October 6 and December 18, 2025 reports, Dr. Eichinger related appellant's history of a May 27, 2025 employment incident and diagnosed multidirectional right shoulder instability." The Board thus finds that appellant has met her burden of proof to establish diagnosed medical conditions in connection with the accepted May 27, 2025 employment incident.¹⁰

Consequently, the case shall be remanded for consideration of the medical evidence with regard to whether appellant has met her burden of proof to establish that her diagnosed medical conditions are causally related to the accepted May 27, 2025 employment incident.¹¹ Following this and other such 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 diagnosed medical condition in connection with the accepted May 27, 2025 employment incident.

¹⁰ *M.C.*, Docket No. 26-0006 (issued February 18, 2026); *J.C.*, Docket No. 25-0420 (issued June 18, 2025); *M.B.*, Docket No. 25-0307 (issued March 25, 2025); *G.K.*, Docket No. 24-0012 (issued March 26, 2024).

¹¹ *M.C.*, *id.*; *V.I.*, Docket No. 23-0555 (issued January 8, 2026); *C.L.*, Docket No. 25-0468 (issued May 8, 2025); *S.R.*, Docket No. 22-0421 (issued July 15, 2022).

ORDER

IT IS HEREBY ORDERED THAT the February 5, 2026 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: July 10, 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