

FACTUAL HISTORY

On April 2, 2025 appellant, then a 50-year-old inventory management specialist, filed a traumatic injury claim (Form CA-1) alleging that on February 27, 2025 she injured her right shoulder and chest area when she was involved in a motor vehicle accident while in the performance of duty. She stopped work on the date of injury and returned to work on February 28, 2025.

In an April 11, 2025 development letter, OWCP informed appellant of the deficiencies of her claim for COP. It advised her of the type of evidence required and afforded her 60 days to submit the necessary evidence.

In a May 20, 2025 response to OWCP's April 11, 2025 letter, appellant stated that she received notification from the Employees' Compensation Operations and Management Portal (ECOMP) on March 27, 2025 indicating that her identity had been verified. On June 9, 2025 she noted that her "CA-1 was initiated [March 27, 2025]."

By decision dated June 18, 2025, OWCP accepted the claim for sprains of the right shoulder joint, cervical spine, and thoracic spine.

By separate decision also dated June 18, 2025, OWCP denied appellant's claim for COP, finding that she had not reported her injury on an OWCP-approved form within 30 days of her February 27, 2025 employment injury. It further noted that the decision affected only her entitlement to COP and did not affect her entitlement to other compensation benefits.

LEGAL PRECEDENT

Section 8118(a) of FECA authorizes COP, not to exceed 45 days, to an employee who has filed a claim for a period of wage loss due to a traumatic injury with his or her immediate superior on a form approved by the Secretary of Labor within the time specified in section 8122(a)(2) of this title.³ This latter section provides that written notice of injury shall be given within 30 days.⁴ The context of section 8122 makes clear that this means within 30 days of the injury.⁵

OWCP's regulations provide, in pertinent part, that to be eligible for COP, an employee must: (1) have a traumatic injury which is job related and the cause of the disability and/or the cause of lost time due to the need for medical examination and treatment; (2) file Form CA-1 within 30 days of the date of the injury; and (3) begin losing time from work due to the traumatic injury within 45 days of the injury.⁶

³ *Supra* note 1 at § 8118(a).

⁴ *Id.* at § 8122(a)(2).

⁵ *E.M.*, Docket No. 20-0837 (issued January 27, 2021); *J.S.*, Docket No. 18-1086 (issued January 17, 2019); *Robert M. Kimzey*, 40 ECAB 762, 763-64 (1989); *Myra Lenburg*, 36 ECAB 487, 489 (1985).

⁶ 20 C.F.R. § 10.205(a)(1-3); *see also T.S.*, Docket No. 19-1228 (issued December 9, 2019); *J.M.*, Docket No. 09-1563 (issued February 26, 2010); *Dodge Osborne*, 44 ECAB 849 (1993); *William E. Ostertag*, 33 ECAB 1925 (1982).

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish entitlement to COP.

On April 2, 2025 appellant filed written notice of her February 27, 2025 traumatic injury on a Form CA-1. As noted above, to be eligible for COP, a claimant must file a Form CA-1 within 30 days of the date of injury.⁷ Because appellant filed her Form CA-1 on April 2, 2025, more than 30 days after the February 27, 2025 date of injury, the Board finds that she has not met her burden of proof.

Appellant may submit new evidence or argument with a written request for reconsideration to OWCP within one year of this merit decision, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. §§ 10.605 through 10.607.

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish entitlement to COP.

ORDER

IT IS HEREBY ORDERED THAT the June 18, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: March 9, 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

⁷ *Id.* See also *A.B.*, Docket No. 25-0205 (issued January 28, 2025).