

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

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R.E., Appellant)	
)	
and)	
)	Docket No. 26-0184
)	Issued: March 19, 2026
U.S. POSTAL SERVICE, POST OFFICE,)	
Santa Clarita, CA, Employer)	
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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 December 15, 2025 appellant filed a timely appeal from a November 18, 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

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

¹ 5 U.S.C. § 8101 *et seq.*

² The Board notes that, following the decision, appellant submitted additional evidence to OWCP. However, the Board's *Rules of Procedures* 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 September 2, 2025 appellant, then a 44-year-old city carrier, filed a traumatic injury claim (Form CA-1) alleging that he sustained a left shoulder injury when attacked by a dog when delivering mail to a customer while in the performance of duty. He indicated that the customer opened a door and the dog “came out and [attacked] me for about 20 [feet] until the middle of the street.” Appellant noted that he felt pain in his left shoulder when he was backing up, which felt like he had pulled a muscle. On the reverse of the form, appellant’s immediate supervisor advised that appellant stopped work on the date of the claimed injury and returned to work on August 28, 2025.

In a September 16, 2025 development letter, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence needed, and afforded him 60 days to respond.

On September 23, 2025 OWCP received a handwritten note labeled “incident report” in which appellant noted that on August 27, 2025 a customer’s dog “got out and tried attacking” him, causing him to injure his left shoulder as though he pulled a muscle while backing away from the dog. He indicated that the dog attacked him from the front door to the middle of the street.

On September 23, 2025 OWCP received a July 24, 2025 magnetic resonance imaging (MRI) scan of the left shoulder which contained an impression of grossly intact rotator cuff, subacromial subdeltoid bursitis, and subacromial spur. It also received the first page of an unsigned August 27, 2025 patient education and visit summary which indicated that appellant presented complaining of left shoulder pain after a dog chased him and that he was unclear of the mechanism of injury. A diagnosis of left shoulder pain was provided.

In an October 20, 2025 letter, OWCP advised appellant that it had performed an interim review of the case file and found that the evidence remained insufficient to support his claim. It informed him that he had 60 days from the date of its September 16, 2025 letter to provide the necessary evidence. In response, appellant submitted six additional pages of the unsigned August 27, 2025 patient education and visit summary.

By decision dated November 18, 2025, OWCP accepted that the August 27, 2025 employment incident occurred, as alleged. However, it denied the claim, finding that the medical evidence of record was insufficient to establish a medical diagnosis in connection with the accepted August 27, 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 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 timely filed within the applicable time limitation period of FECA, 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.³ 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.⁴

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 at the time and place, and in the manner alleged.⁵ The second component is whether the employment incident caused an injury.⁶

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue. 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.⁷

ANALYSIS

The Board finds that appellant has not met his burden of proof to establish a diagnosed medical condition in connection with the accepted August 27, 2025 employment incident.

Appellant submitted an August 27, 2025 patient education and visit summary which discussed his visit for medical care on that date. However, this document is not signed. The Board has held that unsigned reports cannot be considered probative medical evidence as the author cannot be identified as a physician.⁸ Additionally, the summary included a diagnosis of left shoulder pain. However, the Board has consistently held that pain is a symptom and not a compensable medical diagnosis.⁹ Thus, this evidence is of no probative value and is insufficient to establish appellant's claim.

Appellant also submitted a July 24, 2025 MRI scan of the left shoulder. However, this report predates the claimed August 27, 2025 employment injury. Moreover, diagnostic studies,

³ *J.M.*, Docket No. 17-0284 (issued February 7, 2018); *R.C.*, 59 ECAB 427 (2008); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

⁴ *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).

⁵ *B.P.*, Docket No. 16-1549 (issued January 18, 2017); *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁶ *M.H.*, Docket No. 18-1737 (issued March 13, 2019); *John J. Carlone*, 41 ECAB 354 (1989).

⁷ *S.S.*, Docket No. 18-1488 (issued March 11, 2019).

⁸ *See B.S.*, Docket No. 22-0918 (issued August 29, 2022); *S.D.*, Docket No. 21-0292 (issued June 29, 2021); *C.B.*, Docket No. 09-2027 (issued May 12, 2010); *Merton J. Sills*, 39 ECAB 572, 575 (1988).

⁹ *B.T.*, Docket No. 22-0022 (issued May 23, 2022); *S.L.*, Docket No. 19-1536 (issued June 26, 2020); *B.P.*, Docket No. 12-1345 (issued November 13, 2012).

standing alone, lack probative value to establish a medical diagnosis in connection with a given employment factor.¹⁰ Consequently, this evidence is insufficient to establish appellant's claim.

As the evidence of record is devoid of medical evidence establishing a medical diagnosis in connection with the accepted August 27, 2025 employment incident, the Board finds that appellant did not meet his burden of proof.¹¹

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 his burden of proof to establish a diagnosed medical condition in connection with the accepted August 27, 2025 employment incident.

ORDER

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

Issued: March 19, 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

¹⁰ See *E.C.*, Docket No. 25-0590 (issued July 1, 2025).

¹¹ See *R.S.*, Docket No. 25-0901 (issued December 29, 2025); *J.W.*, Docket No. 24-0028 (issued December 20, 2024); *M.D.*, Docket No. 18-0195 (issued September 13, 2018).