

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

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J.B., Appellant)	
)	
and)	
)	Docket No. 26-0243
)	Issued: May 21, 2026
U.S. POSTAL SERVICE, FORT POINT POST OFFICE, Boston, MA, Employer)	
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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 January 2, 2026 appellant filed a timely appeal from a December 4, 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.

¹ 5 U.S.C. § 8101 *et seq.*

ISSUE

The issue is whether appellant has met his burden of proof to establish that he was an employee of the United States under 5 U.S.C. § 8101(1) for the purpose of coverage under FECA at the time of his claimed injury on December 11, 2022.

FACTUAL HISTORY

This case has previously been before the Board.² The facts and circumstances of the case as set forth in the Board's prior decision are incorporated herein by reference. The relevant facts are as follows.

On December 27, 2024 appellant, then a 46-year-old warehouse agent, filed an occupational disease claim (Form CA-2) alleging that he cut his fingers when he performed his job, which involved locking cargo. For the injury location, he listed an address in East Boston, Massachusetts. Appellant noted that he first became aware of his claimed condition and realized its relation to factors of his federal employment on December 11, 2022.³ On the reverse side of the form, N.F., an occupational health specialist for the employing establishment, advised that appellant was not working for the employing establishment on the date of the claimed injury. She noted that the claim was for "another job" and stated, "Not a[n] [employing establishment] employee."

On January 6, 2025 OWCP received a January 5, 2023 state injury report wherein appellant related that on December 11, 2022 he cut his fingers on both hands while locking a cargo pallet in a warehouse. Appellant further reported that the injury occurred while he was employed by a private cargo company and he identified the injury site by listing an address in East Boston, Massachusetts.

Appellant submitted medical evidence in support of his claim.

By letter dated January 8, 2025, N.F. controverted the claim, contending that the employing establishment's records demonstrated "that [appellant] was *not an employee of the [employing establishment] on the date of injury, or at any time in the year 2022.*" (Emphasis in the original.)

In a January 15, 2025 development letter, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of factual evidence needed and afforded him 60 days to

² Docket No. 25-0753 (issued September 25, 2025).

³ OWCP assigned the present claim OWCP File No. xxxxxx013. Appellant filed additional claims on December 27, 2024, assigned OWCP File Nos. xxxxxx020 and xxxxxx547. In all three of these claims, OWCP found that appellant had not established that he was a covered employee under FECA. Also, appellant previously filed a claim for a January 18, 2024 traumatic injury (Form CA-1), assigned OWCP File No. xxxxxx594, wherein OWCP found that appellant was an employee under FECA but denied the claim finding that the medical evidence of record was insufficient to establish a medical condition causally related to the accepted employment incident. OWCP has administratively combined OWCP File Nos. xxxxxx020, xxxxxx547, xxxxxx013, and xxxxxx594, with the latter serving as the master file.

submit the necessary evidence.⁴ In a separate development letter dated January 15, 2025, OWCP requested that the employing establishment provide information, including comments from a knowledgeable supervisor regarding the accuracy of appellant's allegations. It noted that if there was disagreement, the employing establishment was to "explain fully and provide any appropriate supportive evidence." OWCP afforded the employing establishment 30 days to respond.

On January 15, 2025, N.F. reiterated that appellant was not employed by the employing establishment on the date of the claimed injury or "the entire year of 2022."

In a follow-up letter dated January 31, 2025, OWCP advised appellant that it had conducted an interim review and had determined that the evidence remained insufficient to establish his claim. It noted that he had 60 days from the January 15, 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 additional evidence was received.

By decision dated March 17, 2025, OWCP denied appellant's claim for a December 11, 2022 injury. It noted that the evidence of record did not support that an employer/employee relationship existed at the time of the claimed injury as required for coverage under FECA.

Appellant appealed to the Board. By decision dated September 25, 2025, the Board set aside OWCP's March 17, 2025 decision, finding that as the employing establishment had not sufficiently responded to OWCP's January 15, 2025 development letter, the Board was not in a position to make an informed decision regarding appellant's employment status. The Board remanded the case to OWCP for further development and instructed it to obtain the requested information from the employing establishment regarding whether appellant was an employee of the United States under 5 U.S.C. § 8101(1) for the purpose of coverage under FECA at the time of his claimed injury on December 11, 2022. The Board directed OWCP, following this and other such further development, to issue a *de novo* decision.⁵

In October 28, 2025 development letters sent on remand, OWCP requested additional information from appellant and the employing establishment regarding appellant's employment status.

On October 29, 2025 OWCP received several notification of personnel action forms (PS Form 50) from the employing establishment. A May 4, 2021 PS Form 50 documented that appellant became a temporary city carrier assistant for the employing establishment, effective May 10, 2021. A May 17, 2021 PS Form 50 documented that, due to his failure to pass his driving qualification, appellant was separated from the temporary city carrier assistant position, effective

⁴ Although appellant filed an occupational disease claim, OWCP developed the claim as a traumatic injury claim as he alleged that the December 11, 2022 injury occurred within a single workday or work shift. A traumatic injury refers to injury caused by a specific event or incident or series of incidents occurring within a single workday or work shift whereas an occupational disease refers to an injury produced by employment over a period longer than a single workday or shift. 20 C.F.R. §§ 10.5(q), (ee); *R.V.*, Docket No. 18-1037 (issued March 26, 2019); *Brady L. Fowler*, 44 ECAB 343, 351 (1992).

⁵ *Supra* note 2.

May 14, 2021. A December 30, 2021 PS Form 50 documented that appellant became a temporary city carrier assistant for the employing establishment, effective August 2, 2021. A March 2, 2022 PS Form 50 documented that appellant voluntarily resigned from the temporary city carrier assistant position, effective November 22, 2021. A November 27, 2023 PS Form 50 documented that appellant became a part-time flexible city carrier for the employing establishment, effective December 2, 2023. A February 12, 2024 PS Form 50 documented that appellant was separated from his part-time flexible city carrier position for “disqualification conditions,” effective February 1, 2024.

In a statement received by OWCP on October 29, 2025, the employing establishment indicated that it did not have any information regarding private sector work.

On October 30, 2025 OWCP received a statement wherein appellant indicated, “December 11, 2022 -- used to work for [a cargo company] -- all my fingers cutting when lockdown [sic] cargo pallets -- not a federal government agency.”

On October 30, 2025 OWCP received a copy of the previously submitted January 5, 2023 state injury report wherein appellant related that on December 11, 2022 he cut his fingers on both hands while he was employed by a private cargo company.

On November 18, 2025 appellant clarified that his claim was for a traumatic injury, which occurred on December 11, 2022.⁶

By decision dated December 4, 2025, OWCP denied appellant’s claim for a December 11, 2022 injury. It noted that the evidence of record did not support that a federal employer/employee relationship existed at the time of the claimed injury as required for coverage under FECA.

LEGAL PRECEDENT

FECA provides that the United States shall pay compensation as specified by this subchapter for the disability or death of an employee resulting from personal injury sustained while in the performance of her duty.⁷ A claimant seeking compensation under FECA has the burden of proof to establish the essential elements of his or her claim by the weight of the reliable, probative, and substantial evidence, including that the claimant was an employee within the meaning of FECA.⁸

⁶ Although appellant initially filed a Form CA-2, on November 18, 2025 he filed a claim for a traumatic injury (Form CA-1) alleging that he cut his fingers on December 11, 2022. As appellant has clarified that the December 11, 2022 employment injury was sustained on a single workday or work shift, it constitutes a traumatic injury. A traumatic injury refers to injury caused by a specific event or incident or series of incidents occurring within a single workday or work shift whereas an occupational disease refers to an injury produced by employment over a period longer than a single workday or shift. 20 C.F.R. §§ 10.5(q), (ee); *R.V.*, Docket No. 18-1037 (issued March 26, 2019); *Brady L. Fowler*, 44 ECAB 343, 351 (1992).

⁷ 5 U.S.C. § 8102(a).

⁸ *A.M.*, Docket No. 16-1038 (issued December 23, 2016); *Barbara L. Riggs*, 50 ECAB 133, 137 (1998).

For purposes of determining entitlement to compensation benefits under FECA, an employee is defined, in relevant part, as:

“(A) a civil officer or employee in any branch of the Government of the United States, including an officer or employee of an instrumentality wholly owned by the United States;

“(B) an individual rendering personal service to the United States similar to the service of a civil officer or employee of the United States, without pay or for nominal pay, when a statute authorizes the acceptance or use of the service or authorizes payment of travel or other expenses of the individual...”⁹

With regard to whether a claimant is a federal employee for purposes of FECA, the Board has noted that such a determination must be made considering the particular facts and circumstances surrounding his or her employment.¹⁰

ANALYSIS

The Board finds that appellant has not met his burden of proof to establish that he was an employee of the United States under 5 U.S.C. § 8101(1) for the purpose of coverage under FECA at the time of his claimed injury on December 11, 2022.

On the reverse side of the December 27, 2024 claim form, N.F. advised that appellant was not an employing establishment employee at the time of the claimed injury. On January 6, 2025 OWCP received a January 5, 2023 a state injury report, wherein appellant acknowledged that he was employed by a private cargo company on December 11, 2022 when he cut his fingers on both hands locking a cargo pallet in a warehouse. On January 8 and 15, 2025 N.F. advised that appellant was not employed by the employing establishment on the date of the claimed injury or at any time during the year 2022.

In a statement received by OWCP on October 29, 2025, the employing establishment reiterated that appellant was not an employee at the time of the alleged December 11, 2022 employment injury. On October 30, 2025 appellant acknowledged that he was employed by a private cargo company on December 11, 2022 when he cut his fingers on both hands locking a cargo pallet in a warehouse.

A PS Form 50 documented that appellant voluntarily resigned from a temporary city carrier assistant position with the employing establishment, effective November 22, 2021. OWCP did not receive a PS Form 50 pertaining to the entire year of 2022. The next PS Form 50 received by OWCP documented that appellant became a part-time flexible city carrier for the employing establishment, effective December 2, 2023.

⁹ 5 U.S.C. § 8101(1).

¹⁰ *S.R.*, Docket No. 20-0532 (issued July 25, 2023); *Donald L. Dayment*, Docket No. 01-1846 (issued January 21, 2003).

The Board thus finds that appellant has not established that he was an employee of the United States under 5 U.S.C. § 8101(1) for the purpose of coverage under FECA at the time of his claimed injury on December 11, 2022. As he was not a federal employee under FECA on December 11, 2022, appellant has not met his 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 his burden of proof to establish that he was an employee of the United States under 5 U.S.C. § 8101(1) for the purpose of coverage under FECA at the time of his claimed injury on December 11, 2022.

ORDER

IT IS HEREBY ORDERED THAT the December 4, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: May 21, 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