

FACTUAL HISTORY

On November 18, 2025 appellant, then a 47-year-old, assistant rural carrier filed a traumatic injury claim (Form CA-1) alleging that on April 29, 2022 he sustained injuries to his back and ribs when he was building a cargo pallet and turned the pallet around to put up a net by himself, while in the performance of duty. On the reverse side of the claim form, the employing establishment indicated that it first received notice of appellant's injury on November 18, 2025.

In a November 21, 2025 development letter, OWCP informed appellant of the deficiencies of his claim and advised him of the type of evidence needed. It requested that he submit evidence which established that his claim was filed within three years of the date of injury or that his immediate supervisor had actual knowledge of the injury within 30 days of the injury. OWCP afforded appellant 60 days to submit the necessary evidence.

In a November 26, 2025, J.D., a program consultant for the employing establishment, controverted the claim, asserting that appellant did not file a timely compensation claim.

In November and December 2025, OWCP received medical evidence in support of his claim.

In a follow-up letter dated December 18, 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 November 21, 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.

By decision dated January 30, 2026, OWCP denied appellant's claim for an April 29, 2022 traumatic injury as untimely. It explained, "Your case is denied because the evidence does not support a finding that your claim was filed within [three] years of the date of injury or that your immediate supervisor had actual knowledge within 30 days of the date of injury. The date of your injury is April 29, 2022. The claim for compensation was filed on November 18, 2025."

LEGAL PRECEDENT

The issue of whether a claim was timely filed is a preliminary jurisdictional issue that precedes any determination on the merits of the claim.³ In cases of injury on or after September 7, 1974, section 8122(a) of FECA provides that an original claim for compensation, disability, or death, must be filed within three years after the injury or death.⁴ Even if a claim is not filed within the three-year period of limitation, it would still be regarded as timely under section 8122(a)(1) if the immediate supervisor had actual knowledge of his or her alleged employment-related injury within 30 days or written notice of the injury was provided within 30 days pursuant to section

³ *C.S.*, Docket No. 18-0009 (issued March 22, 2018); *David R. Morey*, 55 ECAB 642 (2004); *Charles Walker*, 55 ECAB 238 (2004); *Charles W. Bishop*, 6 ECAB 571 (1954).

⁴ 5 U.S.C. § 8122(a); *see also S.F.*, Docket No. 19-0283 (issued July 15, 2019); *W.L.*, 59 ECAB 362 (2008).

8119.⁵ The knowledge must be such as to put the immediate superior reasonably on notice of an on-the-job injury or death.⁶ It is the employee's burden of proof to establish that a claim is timely filed.⁷

When a traumatic injury definite in time, place, and circumstances is involved, the time for giving notice of injury and filing for compensation begins to run at the time of the incident, even though the employee may not have been aware of the precise nature, seriousness, or ultimate consequences of his or her injury.⁸ The Board has found that the statute of limitations begins to run on the date that the employee actually knows of the possible relationship between the employee's condition and his or her employment, or reasonably should have known of the possible relationship.⁹

ANALYSIS

The Board finds that appellant has not met his burden of proof to establish that he timely filed a claim for compensation, pursuant to 5 U.S.C. § 8122(a).

Appellant alleged that on April 29, 2022 he sustained injuries to his back and ribs when he turned a cargo pallet around to put up a net, while in the performance of duty. However, he did not file his claim for an employment-related condition until November 18, 2025. Therefore, appellant did not file his claim within the requisite three-year time limitation set forth under 5 U.S.C. § 8122(a).¹⁰

Appellant's claim would still be regarded as timely under section 8122(a)(1) of FECA if his immediate supervisor had actual knowledge of the alleged employment-related injury within 30 days or written notice of the injury was provided within 30 days pursuant to section 8119.¹¹ On the reverse side of the claim form, the employing establishment indicated that it first received notice of appellant's injury on November 18, 2025. The case record does not contain any evidence documenting that an immediate superior either had actual knowledge of or received written or verbal notification about his conditions and the possible relationship to his employment within 30 days of its occurrence.

As the evidence of record is insufficient to establish a timely claim for compensation pursuant to 5 U.S.C. § 8122(a), the Board finds that he has not met his burden of proof.

⁵ 5 U.S.C. §§ 8122(a)(1), 8122(a)(2); *see also D.D.*, Docket No. 19-0548 (issued December 16, 2019).

⁶ *R.H.*, Docket No. 17-0251 (issued November 28, 2018); *B.H.*, Docket No. 15-0970 (issued August 17, 2015).

⁷ *A.S.*, Docket No. 18-1094 (issued February 7, 2019).

⁸ *Delmont L. Thompson*, 51 ECAB 155 (1999); *Emma L. Brooks*, 37 ECAB 407, 411 (1986).

⁹ *William A. West*, 36 ECAB 525, 528-29 (1985).

¹⁰ *See supra* note 7.

¹¹ *See supra* note 8.

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 timely filed a claim for compensation, pursuant to 5 U.S.C. § 8122(a).

ORDER

IT IS HEREBY ORDERED THAT the January 30, 2026 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