



## **ISSUES**

The issues are: (1) whether appellant has met her burden of proof to establish a traumatic incident in the performance of duty on October 31, 2025, as alleged, and (2) whether appellant has met her burden of proof to establish entitlement to continuation of pay (COP).

## **FACTUAL HISTORY**

On December 1, 2025 appellant, then a 24-year-old criminal investigator, filed a traumatic injury claim (Form CA-1) alleging that on October 31, 2025 she felt faint and experienced a racing heartbeat when she and her team “engaged a gunman” while in the performance of duty. On the reverse side of the claim form, appellant’s supervisor acknowledged that she had been injured in the performance of duty and indicated that his knowledge of the alleged incident comported with her account of events. Appellant did not stop work.

In support of her claim, appellant submitted an October 31, 2025 report, wherein Dr. Stephanie Anderson, a Board-certified family practitioner, noted her examination of appellant for palpitations, shortness of breath, dehydration, and hypokalemia after she witnessed a police action. In Part B of an authorization for examination and/or treatment (Form CA-16), an attending physician’s report of even date, she diagnosed dehydration hypokalemia and checked a box marked “Yes” indicating that appellant’s diagnosed condition was caused or aggravated by the employment activity.

In a development letter dated December 12, 2025, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of additional factual and medical evidence needed and provided a questionnaire for her completion. OWCP afforded appellant 60 days to respond. In a separate development letter of even date, it requested that the employing establishment provide additional information regarding appellant’s claim, including comments from a knowledgeable supervisor. OWCP afforded the employing establishment 30 days to respond. No additional evidence was received.

By decision dated December 12, 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 alleged October 31, 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.

OWCP subsequently received additional medical records dated October 31, 2025 wherein Dr. Anderson reiterated her prior findings and diagnoses.

On December 15, 2025 the employing establishment responded that appellant was involved in a police action while on official travel. It provided documentation that she was scheduled to arrive in Memphis, Tennessee, on October 26, 2025 and be deputized by the U.S. Marshals Service. Appellant’s task while on official travel was to assist state and local law enforcement with high visibility patrols, warrants, and investigations.

In a January 9, 2026 statement, appellant related that, as she and other members of the task force were exiting a restaurant after completing their lunch, they witnessed a robbery and shooting. Following this incident, she experienced a rapid heartbeat and light-headedness.

In a follow-up letter dated January 12, 2026, OWCP advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish the claim. It noted that she had 60 days from the December 12, 2025 development 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.

On February 5, 2026, appellant informed OWCP that the events of October 31, 2025 continued to be under investigation and that she needed permission from the employing establishment to further describe the specific events.

On February 10, 2026, appellant's supervisor confirmed that there was a use of force incident in which two Department of Homeland Security (DHS) special agents at a restaurant both fired their weapons, shooting a suspect. The supervisor noted that appellant was near the officers during the incident, and was sent to the hospital.

By decision dated February 13, 2026, OWCP denied appellant's traumatic injury claim, finding that she had not established that the claimed incident occurred on October 31, 2025, as alleged. It, therefore, concluded that the requirements had not been met to establish an injury as defined by FECA.

### **LEGAL PRECEDENT – ISSUE 1**

An employee seeking benefits under FECA<sup>3</sup> 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 filed within the applicable time limitation of FECA,<sup>4</sup> that an injury was sustained while in the performance of duty as alleged; and that any disability or specific condition for which compensation is claimed is causally related to the employment injury.<sup>5</sup> These are the essential elements of each and every compensation claim regardless of whether the claim is predicated on a traumatic injury or an occupational disease.<sup>6</sup>

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it must be determined whether fact of injury has been established. There are two components involved in establishing fact of injury. The first component is whether the

---

<sup>3</sup> *Supra* note 1.

<sup>4</sup> *See S.B.*, Docket No. 24-0710 (issued August 26, 2024); *C.B.*, Docket No. 21-1291 (issued April 28, 2022); *S.C.*, Docket No. 18-1242 (issued March 13, 2019); *J.P.*, 59 ECAB 178 (2007); *Joe D. Cameron*, 41 ECAB 153 (1989).

<sup>5</sup> *L.C.*, Docket No. 19-1301 (issued January 29, 2020); *T.H.*, Docket No. 18-1736 (issued March 13, 2019); *R.C.*, 59 ECAB 427 (2008).

<sup>6</sup> *P.A.*, Docket No. 18-0559 (issued January 29, 2020); *T.E.*, Docket No. 18-1595 (issued March 13, 2019); *Delores C. Ellyett*, 41 ECAB 992 (1990).

employee actually experienced the employment incident at the time and place, and in the manner alleged. The second component is whether the employment incident caused an injury.<sup>7</sup>

To establish that, an injury occurred as alleged, the injury need not be confirmed by eyewitnesses, but the employee's statements must be consistent with the surrounding facts and circumstances and his or her subsequent course of action. The employee has not met his or her burden when there are such inconsistencies in the evidence as to cast serious doubt on the validity of the claim. Such circumstances as late notification of injury, lack of confirmation of injury, continuing to work without apparent difficulty following the alleged injury, and failure to obtain medical treatment may, if otherwise unexplained, cast serious doubt on the employee's statements in determining whether a *prima facie* case has been established.<sup>8</sup> An employee's statement alleging that an injury occurred at a given time and in a given manner is of great probative value and will stand unless refuted by strong or persuasive evidence.<sup>9</sup>

### **ANALYSIS -- ISSUE 1**

The Board finds that appellant has met her burden of proof to establish a traumatic incident in the performance of duty on October 31, 2025, as alleged.

In her Form CA-1, appellant alleged that on October 31, 2025, she felt faint and experienced a racing heartbeat when she was among a group of law enforcement officers who "engaged a gunman" while in the performance of duty. On the reverse side of the claim form, her supervisor acknowledged that she was injured in the performance of duty and indicated that her knowledge of the alleged incident comported with appellant's account of events. Appellant sought medical treatment on October 31, 2025, where she was diagnosed with dehydration hypokalemia. In a January 9, 2026 statement, appellant explained that she and other members of the task force were exiting a restaurant after completing their lunch when they witnessed a robbery and shooting. Following this incident, she experienced a rapid heartbeat and light-headedness. On February 10, 2026, appellant's supervisor related that there was a use of force incident in which two DHS special agents at the restaurant with appellant fired their weapons, shooting a suspect. He noted that appellant was near the DHS officers during the incident, and the on-site supervisor sent her to the hospital.

As noted, an employee's statement alleging that an incident occurred at a given time and in a given manner is of great probative value and will stand unless refuted by strong or persuasive evidence.<sup>10</sup> As appellant has provided consistent statements that she was present during the

---

<sup>7</sup> See *A.H.*, Docket No. 22-0912 (issued October 26, 2023); *T.H.*, Docket No. 19-0599 (issued January 28, 2020); *K.L.*, Docket No. 18-1029 (issued January 9, 2019); *John J. Carlone*, 41 ECAB 354 (1989).

<sup>8</sup> *T.T.*, Docket No. 22-0792 (issued October 18, 2022); *C.M.*, Docket No. 20-1519 (issued March 22, 2021); *Betty J. Smith*, 54 ECAB 174 (2002).

<sup>9</sup> See *M.C.*, Docket No. 18-1278 (issued March 7, 2019); *D.B.*, 58 ECAB 464, 466-67 (2007).

<sup>10</sup> *G.H.*, Docket No. 26-0073 (issued February 25, 2026); *J.M.*, Docket No. 26-0097 (issued February 19, 2026); *B.M.*, Docket No. 21-1185 (issued March 4, 2022); *L.D.*, Docket No. 16-0199 (issued March 8, 2016); *Betty J. Smith*, 54 ECAB 174 (2002).

engagement with a suspect on October 31, 2025 in the performance of duty, the Board finds that she has established that the employment incident occurred on October 31, 2025, as alleged.

As appellant has established that the October 31, 2025 employment incident occurred as alleged, the question becomes whether this incident caused an injury.<sup>11</sup> Thus, the Board shall reverse OWCP's February 13, 2026 decision and remand the case for consideration of the medical evidence. Following any further development as deemed necessary, OWCP shall issue a *de novo* decision.

### **LEGAL PRECEDENT -- ISSUE 2**

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.<sup>12</sup> This latter section provides that written notice of injury shall be given within 30 days.<sup>13</sup> The context of section 8122 makes clear that this means within 30 days of the injury.<sup>14</sup>

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.<sup>15</sup>

### **ANALYSIS -- ISSUE 2**

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

On December 1, 2025 appellant filed written notice of her October 31, 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.<sup>16</sup> Because appellant filed her Form CA-1 on December 1,

---

<sup>11</sup> See *S.T.*, Docket No. 21-0317 (issued August 11, 2021); *B.S.*, Docket No. 19-0524 (issued August 8, 2019); *Willie J. Clements*, 43 ECAB 244 (1991).

<sup>12</sup> *Supra* note 1 at § 8118(a).

<sup>13</sup> *Id.* at § 8122(a)(2).

<sup>14</sup> *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).

<sup>15</sup> 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).

<sup>16</sup> *Id.* See also *A.D.*, Docket No. 26-0146 (issued March 9, 2026); *A.B.*, Docket No. 25-0205 (issued January 28, 2025). The period from Friday, October 31, 2025 to, but not including Monday, December 1, 2025, is 31 days.

2025, more than 30 days after the October 31, 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 met her burden of proof to establish a traumatic incident in the performance of duty on October 31, 2025, as alleged. The Board further finds that appellant has not met her burden of proof to establish entitlement to COP.

**ORDER**

**IT IS HEREBY ORDERED THAT** the December 12, 2025 decision of the Office of Workers' Compensation Programs is affirmed. The February 13, 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.<sup>17</sup>

Issued: May 20, 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

---

<sup>17</sup> The Board notes that, although not contained in the record, a Form CA-16 may constitute a contract for payment of medical expenses to a medical facility or physician, when properly executed. The form creates a contractual obligation, which does not involve the employee directly, to pay for the cost of the examination or treatment regardless of the action taken on the claim. See 20 C.F.R. § 10.300(c); *S.G.*, Docket No. 23-0552 (issued August 28, 2023); *J.G.*, Docket No. 17-1062 (issued February 13, 2018); *Tracy P. Spillane*, 54 ECAB 608 (2003).