United States Department of Labor
Employees' Compensation Appeals Board

S.S., Appellant	)	
and	)	**Docket No. 26-0590**
	)	**Issued: October 8, 2026**
DEPARTMENT OF THE ARMY, INSTALLATION MANAGEMENT COMMAND, FORT WAINWRIGHT, Fairbanks, AK, Employer	)	

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 June 12, 2026 appellant filed a timely appeal from a June 3, 2026 merit decision of the Office of Workers' Compensation Programs (OWCP).[1] Pursuant to the Federal Employees'

[1] Appellant submitted a timely request for oral argument before the Board. 20 C.F.R. § 501.5(b). Pursuant to the Board's *Rules of Procedure*, oral argument may be held in the discretion of the Board. 20 C.F.R. § 501.5(a). In support of appellant's oral argument request, appellant asserted that his injury was reported within 30 days. The Board, in exercising its discretion, denies appellant's request for oral argument because the argument on appeal can adequately be addressed in a decision based on a review of the case record. Oral argument in this appeal would further delay issuance of a Board decision and not serve a useful purpose. As such, the oral argument request is denied, and this decision is based on the case record as submitted to the Board.

Compensation Act[2] (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.[3]

ISSUE

The issue is whether appellant has met his burden of proof to establish entitlement to continuation of pay (COP).

FACTUAL HISTORY

On March 16, 2026 appellant, then a 42-year-old precision measurement equipment calibrator supervisor, filed a traumatic injury claim (Form CA-1) alleging that on January 21, 2026 he sustained multiple injuries when a torque bench weighing an estimated 2,000 pounds snapped and fell on him, injuring his legs, back, feet, ankles, knees, thighs, and hands while in the performance of duty. He stopped work on the date of injury.

By decision dated June 3, 2026, OWCP accepted the claim for unspecified internal derangement of the right knee.

By separate decision dated June 3, 2026, OWCP denied appellant's claim for COP, finding that he had not reported his injury on an OWCP-approved form within 30 days of his January 21, 2026 employment injury. It further noted that the decision affected only his entitlement to COP and did not affect his 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 FECA.[4] This latter section provides that written notice of injury shall be given within 30 days.[5] The context of section 8122 makes clear that this means within 30 days of the injury.[6]

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

[2] 5 U.S.C. § 8101 *et seq.*

[3] The Board notes that following the June 3, 2026 decision, appellant submitted additional evidence to OWCP. However, the Board's *Rules of Procedure* 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.*

[4] 5 U.S.C. § 8118(a).

[5] *Id.* at § 8122(a)(2).

[6] *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).

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.[7]

ANALYSIS

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

On March 16, 2026 appellant filed written notice of his January 21, 2026 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.[8] Because appellant filed his Form CA-1 on March 16, 2026, more than 30 days after the January 21, 2026 date of injury, the Board finds that he 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 entitlement to COP.

[7] 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).

[8] *Id. See also A.D.,* Docket No. 26-0146 (issued March 9, 2026); *D.C.,* Docket No. 26-0084 (issued February 24, 2026); *D.D.,* Docket No. 26-0042 (issued February 5, 2026); *A.B.,* Docket No. 25-0205 (issued January 28, 2025).

ORDER

IT IS HEREBY ORDERED THAT the June 3, 2026 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: October 8, 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