United States Department of Labor
Employees' Compensation Appeals Board

R.B., Appellant	)	
	)	**Docket No. 26-0644**
and	)	**Issued: October 2, 2026**
	)	
U.S. POSTAL SERVICE, CARDISS COLLINS POST OFFICE, Chicago, IL, Employer	)	

Appearances:
Alan J. Shapiro, Esq., for the appellant[1]
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 July 6, 2026 appellant, through counsel, filed a timely appeal from a June 16, 2026 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' 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.

[1] In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; *see also* 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

[2] 5 U.S.C. § 8101 *et seq*.

ISSUE

The issue is whether appellant has met her burden of proof to establish a medical diagnosis in connection with the accepted January 28, 2025 employment incident.

FACTUAL HISTORY

On February 4, 2025 appellant, then a 32-year-old city carrier, filed a traumatic injury claim (Form CA-1) alleging that on January 28, 2025 she sprained her right wrist when she slipped and fell on a wet grassy hill when delivering mail while in the performance of duty. On the reverse side of the form, her supervisor, E.D., contended that she was not injured in the performance of duty. Appellant stopped work on January 28, 2025, and returned to full-time regular duty on February 25, 2025.

On February 4, 2025 Dr. Samuel Lake, a Board-certified orthopedic surgeon, related appellant's history of a fall on grass landing on a flexed right wrist on January 28, 2025. He diagnosed right wrist pain and right wrist injury.

In a development letter dated March 6, 2025, OWCP informed appellant that the evidence of record was insufficient to establish her claim. It advised her as to the type of factual evidence needed to establish her claim and provided a questionnaire for her completion. OWCP afforded appellant 60 days to provide the necessary evidence. In a development letter of even date, it requested that the employing establishment provide additional information regarding the alleged January 28, 2025 incident. OWCP afforded the employing establishment 30 days to respond.

OWCP subsequently received a February 4, 2025 request for a magnetic resonance imaging (MRI) scan and a February 20 and 25, 2025 reports from Dr. Lake diagnosing right wrist injury.

On February 4, 2025 Dr. Lake completed a duty status report (Form CA-17) diagnosing right wrist injury and finding that appellant was medically unable to work.

OWCP, in a follow-up letter dated March 24, 2025, advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish her claim. It noted that she had 60 days from the March 6, 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.

Danny Ksaniyaly, a physical therapist, provided a February 25, 2025 treatment note.

On April 4, 2025 the employing establishment responded to OWCP's development letter and related that appellant had violated its cell phone policy when she was using her cell phone for personal use while at work. It asserted that she was reminded of this policy regularly and that official discussions resulted when an employee violated this policy.

By decision dated May 5, 2025, OWCP denied appellant's claim, finding that she had not established that the January 28, 2025 incident occurred in the performance of duty, as alleged. It

concluded, therefore, that the requirements had not been met to establish an injury as defined under FECA.

In an April 6, 2026 statement, appellant asserted that she was not using her cell phone at the time of her January 28, 2025 incident. She further denied that the employing establishment instructed her that it was a safety hazard to use her cell phone and that she had never been reprimanded for cell phone usage. Appellant related that, at the time of the January 28, 2025 incident, she was "literally walking across the grass, from one house to the next, delivering mail." She noted that the grass leading to the door was on a slight slant and was damp from melted snow.

On April 7, 2026 appellant, through counsel, requested reconsideration.

By decision dated June 16, 2026, OWCP modified the May 5, 2025 decision finding that the January 28, 2025 employment incident occurred, as alleged. However, the claim remained denied as the medical evidence of record did not contain a medical diagnosis from a qualified physician in connection with the accepted January 22, 2025 employment incident. Consequently, OWCP found that the requirements had not been met to establish an injury as defined by FECA.

LEGAL PRECEDENT

An employee seeking benefits under FECA[3] has the burden of proof to establish the essential elements of his or her claim, including 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 of FECA,[4] 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.[5] 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.[6]

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it first must be determined whether fact of injury has been established. There are two components involved in establishing fact of injury. The first component is that the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time and place, and in the manner alleged. The second component is that the employee must establish whether the employment incident caused an injury.[7]

[3] *Id*.

[4] *E.K*., Docket No. 22-1130 (issued December 30, 2022); *F.H*., Docket No. 18-0869 (issued January 29, 2020); *J.P*., Docket No. 19-0129 (issued April 26, 2019); *Joe D. Cameron*, 41 ECAB 153 (1989).

[5] *L.C*., Docket No. 19-1301 (issued January 29, 2020); *J.H*., Docket No. 18-1637 (issued January 29, 2020); *R.C*., 59 ECAB 427 (2008); *James E. Chadden, Sr*., 40 ECAB 312 (1988).

[6] *P.A*., Docket No. 18-0559 (issued January 29, 2020); *K.M*., Docket No. 15-1660 (issued September 16, 2016); *Delores C. Ellyett*, 41 ECAB 992 (1990).

[7] *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).

The medical evidence required to establish causal relationship between a claimed specific condition and an employment incident is rationalized medical opinion evidence.[8] The opinion of the physician must be based on a complete factual and medical background of the employee, 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 specific employment incident.[9]

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish a medical diagnosis in connection with the accepted January 28, 2025 employment incident.

In reports dated February 4, 20, and 25, 2025, Dr. Lake noted appellant's history of injury and diagnosed right wrist pain and right wrist injury. However, he did not provide a firm diagnosis of a medical condition.[10] Therefore, this evidence is insufficient to establish the claim.

OWCP also received a note from a physical therapist. However, certain healthcare providers such as physical therapists are not considered physicians as defined under FECA and their reports do not constitute competent medical evidence.[11] Consequently, their medical findings or opinions are insufficient to meet appellant's burden of proof.

As the medical evidence of record is insufficient to establish a medical diagnosis in connection with the accepted January 28, 2025 employment incident, the Board finds that appellant 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.

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[8] *S.S.*, Docket No. 19-0688 (issued January 24, 2020); *A.M.*, Docket No. 18-1748 (issued April 24, 2019); *Robert G. Morris*, 48 ECAB 238 (1996).

[9] *F.S.*, Docket No. 23-0112 (issued April 26, 2023); *T.L.*, Docket No. 18-0778 (issued January 22, 2020); *Y.S.*, Docket No. 18-0366 (issued January 22, 2020); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

[10] *D.I.,* Docket No. 26-0491 (issued August 10, 2026); *S.S.*, Docket No. 26-0259 (issued May 11, 2026); *M.T.*, Docket No. 25-0358 (issued April 7, 2025).

[11] Section 8102(2) of FECA provides as follows: physician includes surgeons, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, and osteopathic practitioners within the scope of their practice as defined by State law. 5 U.S.C. § 8102(2); 20 C.F.R. § 10.5(t). *See* Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.805.3a(1) (version 1.2, issued May 4, 2026); *David P. Sawchuk*, 57 ECAB 316, 320 n.11 (2006) (lay individuals such as physician assistants, nurses, and physical therapists are not competent to render a medical opinion under FECA). *See also V.R.*, Docket No. 19-0758 (issued March 16, 2021) (a physical therapist is not considered a physician under FECA); *C.K.*, Docket No. 19-1549 (issued June 30, 2020) (physical therapists are not considered physicians as defined under FECA).

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish a medical diagnosis in connection with the accepted January 28, 2025 employment incident.

ORDER

IT IS HEREBY ORDERED THAT the June 16, 2026 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: October 2, 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