United States Department of Labor
Employees' Compensation Appeals Board

R.D., Appellant	)	
and	)	**Docket No. 26-0681**
	)	**Issued: October 20, 2026**
U.S. POSTAL SERVICE, INDUSTRIAL WEST SACRAMENTO POST OFFICE, West Sacramento, CA, Employer	)	

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 July 15, 2026 appellant filed a timely appeal from a June 18, 2026 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act[1] (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.[2]

ISSUE

The issue is whether appellant has met his burden of proof to establish an injury in the performance of duty on March 28, 2026, as alleged.

[1] 5 U.S.C. § 8101 *et seq*.

[2] The Board notes that, following the June 18, 2026 decision, OWCP received additional evidence. 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.*

FACTUAL HISTORY

On April 1, 2026 appellant, then a 37-year-old city carrier, filed a traumatic injury claim (Form CA-1) alleging that on March 28, 2026 he injured his upper back when he walked down a steep slope while in the performance of duty. On the reverse side of the claim form, the employing establishment controverted the claim. It contended that appellant did not slip or trip, his duties did not require heavy lifting, and that the walking surface was dry and free from gravel and other obstructions. Additionally, the employing establishment contended that he began his workday at 8:57 a.m., he called and reported a back injury at 9:57 a.m., and he was wearing improper footwear with bald soles. Appellant stopped work on the date of the claimed injury and returned to work on April 1, 2026.

An employing establishment job description for city carrier indicated that the duties of the position included delivering and collecting mail on foot, carrying mail in a shoulder satchel weighing up to 35 pounds, and loading/unloading containers of mail weighing up to 70 pounds.

In a work activity status report dated March 28, 2026, Dr. Thomas Quick, a family physician, released appellant to return to work with no lifting, pushing, or pulling greater than five pounds.

In an April 9, 2026 development letter, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence needed to establish his claim and provided a questionnaire for his completion. OWCP specifically requested that appellant provide further details clarifying how his injury actually occurred. It also requested that he respond to the concerns raised by the employing establishment in controverting his claim. OWCP afforded appellant 60 days to submit the necessary evidence.

OWCP subsequently received a work activity status report dated April 1, 2026 wherein Dr. John Giddens, a Board-certified internist, noted a March 28, 2026 date of injury and diagnosed thoracic myofascial strain.

In a progress report dated April 17, 2026, Dr. Giddens provided a history of injury on March 28, 2026, where appellant was "walking down a slope and suddenly felt a twinge in the right back." In a separate report of even date, he related a history of injury on March 28, 2026 where appellant was "walking down a slope with his [satchel] over his right shoulder holding under flats with the left arm and felt his mid back 'tweak.'" Dr. Giddens performed a physical examination and observed tenderness at the T10 midline and right paraspinous musculature from T7-T11 with fullness in the right T10 area. He diagnosed thorax strain.

OWCP also received physical therapy reports dated April 6 through 21, 2026.

In a follow-up letter dated May 5, 2026, OWCP advised appellant that it had conducted an interim review, and the evidence of record remained insufficient to establish his claim. It noted that he had 60 days from the April 9, 2026 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.

OWCP subsequently received medical reports dated March 28, 2026, wherein Dr. Quick noted that appellant related complaints of back pain after he was "walking down a slope and

suddenly felt a twinge in the right back." He obtained x-rays of the lumbar spine, which were normal, documented physical examination findings, and diagnosed lumbar strain and thoracic myofascial strain.

In medical reports dated May 5, 2026, Dr. Giddens diagnosed thorax strain and noted that appellant was working modified duty. In a work activity status report of even date, he diagnosed thoracic myofascial strain and released appellant to work with restrictions.

By decision dated June 18, 2026, OWCP denied appellant's traumatic injury claim, finding that the evidence of record was insufficient to establish that the March 28, 2026 incident occurred in the performance of duty, as alleged. Therefore, it concluded 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 whether the employment incident caused an injury and can be established only by medical evidence.[7]

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

[3] *Supra* note 1.

[4] *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); *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).

medical treatment may, if otherwise unexplained, cast serious doubt on the employee's statements in determining whether a *prima facie* case has been established.[8]

ANALYSIS

The Board finds that appellant has not met his burden of proof to establish an injury in the performance of duty on March 28, 2026, as alleged.

In his Form CA-1, appellant indicated that on March 28, 2026 he injured his back due to walking down a steep slope. On the reverse side of the claim form, the employing establishment controverted the claim. It noted that appellant did not slip or trip, his duties did not require heavy lifting, and the walking surface was dry and free from gravel and other obstructions. In development letters dated April 9 and May 5, 2026, OWCP informed appellant of the deficiencies of his claim and provided a questionnaire for his completion. It specifically requested that he provide further details clarifying how his injury actually occurred. OWCP also requested that appellant respond to the concerns raised by the employing establishment in controverting his claim. It subsequently received medical evidence, including a medical report from Dr. Quick dated March 28, 2026, who noted that he was walking down a slope and felt a twinge in his back and a medical report from Dr. Giddens dated April 17, 2026, who noted that he was walking down a slope with his satchel over his right shoulder and holding flats under his left arm. Appellant did not respond to OWCP's development questionnaire, nor did he otherwise provide clarification regarding how his injury actually occurred or respond to the concerns raised by the employing establishment.

The Board thus finds that the record lacks sufficient factual evidence to establish specific details of how the claimed injury occurred.[9] As such, appellant has not met his burden of proof.[10] Consequently, it is unnecessary to address the medical evidence of record.[11]

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 an injury in the performance of duty on March 28, 2026, as alleged.

[8] *C.M.,* Docket No. 20-1519 (issued March 22, 2021); *Betty J. Smith,* 54 ECAB 174 (2002).

[9] *See A.M.,* Docket No. 24-0460 (issued September 25, 2024); *K.C.,* Docket No. 24-0226 (issued July 17, 2024); *R.B.,* Docket No. 19-1026 (issued January 14, 2020); *M.S.,* Docket No. 18-0059 (issued June 12, 2019); *L.A.,* Docket No. 17-0138 (issued April 5, 2017); *John R. Black,* 49 ECAB 624 (1998); *Judy Bryant,* 40 ECAB 207 (1988); *Martha G. List,* 26 ECAB 200 (1974).

[10] *S.R.,* Docket No. 25-0117 (issued February 3, 2025); *J.P.,* Docket No. 18-0190 (issued May 22, 2018).

[11] *S.R., id.*; *see also M.P.,* Docket No. 15-0952 (issued July 23, 2015); *Alvin V. Gadd,* 57 ECAB 172 (2005).

ORDER

IT IS HEREBY ORDERED THAT the June 18, 2026 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: October 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