United States Department of Labor
Employees' Compensation Appeals Board

R.S., Appellant	)	
and	)	**Docket No. 26-0597**
	)	**Issued: September 18, 2026**
DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF PRISONS, UNITED STATES PENITENTIARY LEE, Jonesville, VA, 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 15, 2026 appellant filed a timely appeal from a May 11, 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 a diagnosed medical condition in connection with the accepted July 16, 2025 employment incident.

[1] 5 U.S.C. § 8101 *et seq*.

[2] The Board notes that following the May 11, 2026 decision, OWCP received additional evidence. 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.*

FACTUAL HISTORY

On February 21, 2026 appellant, then a 35-year-old corrections officer, filed a traumatic injury claim (Form CA-1) alleging that on July 16, 2025 he developed elevated blood pressure, rapid heart rate, and sweating when an unknown powder dropped onto his desk and became airborne.

In a development letter dated February 27, 2026, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence needed. OWCP afforded appellant 60 days to submit the necessary evidence. No evidence was submitted.

In a follow-up development letter dated April 2, 2026, OWCP advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish his claim. It noted that appellant had 60 days from the February 27, 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. No evidence was received.

By decision dated May 11, 2026, OWCP denied appellant's claim, finding that he had not established a diagnosed medical condition in connection with the accepted employment incident. It concluded, therefore, 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, 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.[4] 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.[5]

To determine if an employee has sustained a traumatic injury in the performance of duty, OWCP begins with an analysis of whether fact of injury has been established. Fact of injury consists of two components that must be considered in conjunction with one another. The first component is whether the employee actually experienced the employment incident at the time and

[3] *Supra* note 1.

[4] *J.G.*, Docket No. 25-0500 (issued June 18, 2025); *K.W.,* Docket No. 25-0355 (issued April 2, 2025); *T.D.,* Docket No. 25-0195 (issued February 5, 2025); *E.S.,* Docket No. 18-1580 (issued January 23, 2020); *M.E.,* Docket No. 18-1135 (issued January 4, 2019); *C.S.,* Docket No. 08-1585 (issued March 3, 2009); *Bonnie A. Contreras,* 57 ECAB 364 (2006).

[5] *J.G., id.*; *K.W., id.*; *J.M.,* Docket No. 25-0291 (issued February 26, 2025); *K.M.,* Docket No. 15-1660 (issued September 16, 2016); *L.M.,* Docket No. 13-1402 (issued February 7, 2014); *Delores C. Ellyett,* 41 ECAB 992 (1990).

place, and in the manner alleged.[6] The second component is whether the employment incident caused an injury.[7]

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue. The opinion of the physician must be based on a complete factual and medical background, 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 the specific employment incident.[8]

ANALYSIS

The Board finds that appellant has not met his burden of proof to establish a diagnosed medical condition in connection with the accepted July 16, 2025 employment incident.

By development letters dated February 27 and April 2, 2026, OWCP informed appellant of the deficiencies of his claim. Appellant was advised that medical evidence containing a diagnosed medical condition in connection with the accepted July 16, 2025 employment incident was needed to establish the claim. However, no medical evidence was received.

As appellant did not submit any medical evidence containing a diagnosed medical condition in connection with the accepted July 16, 2025 employment incident, 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 a diagnosed medical condition in connection with the accepted July 16, 2025 employment incident.

[6] *J.G.*, *id.*; *K.W., id.*; *T.D., supra* note 4; *B.P.,* Docket No. 16-1549 (issued January 18, 2017); *Elaine Pendleton,* 40 ECAB 1143 (1989).

[7] *J.G., id.*; *K.W., id.*; *B.P., id.*; *Elaine Pendleton, id.*

[8] *T.D., supra* note 4; *S.S.,* Docket No. 18-1488 (issued March 11, 2019).

ORDER

IT IS HEREBY ORDERED THAT the May 11, 2026 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: September 18, 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