United States Department of Labor
Employees' Compensation Appeals Board

N.T., Appellant	)	
and	)	**Docket No. 26-0620**
	)	**Issued: September 24, 2026**
U.S. POSTAL SERVICE, FAYETTEVILLE POST OFFICE, Fayetteville, AR, 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 June 23, 2026 appellant filed a timely appeal from a June 9, 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 January 31, 2026 employment incident.

[1] 5 U.S.C. § 8101 *et seq*.

[2] The Board notes that, following the June 9, 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 4, 2026 appellant, then a 32-year-old customer service supervisor, filed a traumatic injury claim (Form CA-1) alleging that on January 31, 2026 he injured his neck and left shoulder when he slipped on ice and fell onto his back after exiting his work vehicle to assist an employing establishment carrier while in the performance of duty. He stopped work on the date of injury and returned to part-time modified-duty work on February 12, 2026.

In a letter dated February 6, 2026, Dr. Gregory A. Henson, Board-certified in family medicine, indicated that appellant was unable to work during the period February 2 through 8, 2026.

In a medical report dated February 8, 2026, Dr. Henson noted that appellant related shoulder and neck pain, throbbing in the left upper arm, and tingling in the left middle and ring fingers, which he attributed to slipping on ice and falling onto his back at work on January 31, 2026. He noted that appellant had a history of cervical bulging disc and spinal stenosis and that the fall on January 31, 2026 "made it worse." Dr. Henson performed a physical examination and observed decreased range of motion of the neck, most significant when looking to the right; mild swelling of the right occipital area near the insertion of the trapezius; and tenderness to palpation over the acromioclavicular joint, left shoulder, left triceps, and left pectoral area. He diagnosed neck strain.

In letters dated February 11 and 16, 2026, Dr. Henson released appellant to work four hours per day.

In reports dated February 20 through March 27, 2026, Dr. Ryland Weum, a chiropractor, diagnosed cervical radiculopathy and recommended work restrictions.

In an April 6, 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 afforded appellant 60 days to submit the necessary evidence.

OWCP subsequently received a magnetic resonance imaging (MRI) scan dated March 9, 2026, which demonstrated mild stenosis from C3 through C7 and a large left neural foraminal disc extrusion at C5-6, which had progressed since a July 7, 2025 MRI scan and was causing moderate central canal stenosis and severe left neural foraminal narrowing.

In a follow-up development letter dated May 5, 2026, OWCP advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish his claim. It noted that he had 60 days from the April 6, 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.

In an attending physician's report (Form CA-20) dated May 21, 2026, Dr. Henson diagnosed unspecified injuries of the neck, left shoulder, and chest wall due to a slip and fall at work on January 31, 2026. He also noted that appellant "did have visible physical swelling to the area as well."

By decision dated June 9, 2026, OWCP denied appellant's claim, finding that the medical evidence of record was insufficient to establish a diagnosed medical condition in connection with the accepted January 31, 2026 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 the fact that the individual is an employee of the United States within the meaning of FECA, that the claim was timely filed, 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 every compensation claim regardless of whether the claim is predicated on a traumatic injury or an occupational disease.[5]

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. First, 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. Second, the employee must submit sufficient evidence to establish that the employment incident caused an injury.[6]

The medical evidence required to establish causal relationship between a claimed specific condition and an employment incident is rationalized medical opinion evidence.[7] 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 the specific employment incident identified by the claimant.[8]

In any case where a preexisting condition involving the same part of the body is present and the issue of causal relationship, therefore, involves aggravation, acceleration or precipitation,

[3] 5 U.S.C. § 8101 *et seq*.

[4] *C.G.*, Docket No. 20-0058 (issued September 30, 2021); *S.B.*, Docket No. 17-1779 (issued February 7, 2018); *J.P.*, 59 ECAB 178 (2007); *Joe D. Cameron*, 41 ECAB 153 (1989).

[5] *J.M.*, Docket No. 17-0284 (issued February 7, 2018); *R.C.*, 59 ECAB 427 (2008); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

[6] *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).

[7] *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).

[8] *A.S.*, Docket No. 19-1955 (issued April 9, 2020); *Leslie C. Moore*, 52 ECAB 132 (2000).

the physician must provide a rationalized medical opinion that differentiates between the effects of the work-related injury or disease and the preexisting condition.[9]

ANALYSIS

The Board finds that appellant has established a diagnosis of cervical strain in connection with the accepted January 31, 2026 employment incident.

In a medical report dated February 8, 2026, Dr. Henson noted that appellant related shoulder and neck pain, throbbing in the left upper arm, and tingling in the left middle and ring fingers, which he attributed to slipping on ice and falling onto his back at work on January 31, 2026. He noted that appellant had a history of cervical bulging disc and spinal stenosis and that the fall on January 31, 2026 "made it worse." Dr. Henson performed a physical examination and observed decreased range of motion of the neck, most significant when looking to the right; mild swelling of the right occipital area near the insertion of the trapezius; and tenderness to palpation over the acromioclavicular joint, left shoulder, left triceps, and left pectoral area. He diagnosed neck strain. The Board, therefore, finds that appellant has established a diagnosis of neck strain in connection with the accepted January 31, 2026 employment incident.[10]

As appellant has met his burden of proof to establish a diagnosis of neck strain in connection with the accepted January 31, 2026 employment incident, the case shall be remanded for consideration of the medical evidence with regard to whether appellant has met his burden of proof to establish the condition as causally related to the accepted January 31, 2026 employment incident.[11] Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.

CONCLUSION

The Board finds that appellant has established a diagnosis of cervical strain in connection with the accepted January 31, 2026 employment incident.

[9] Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.805.3c (version 1.2, issued May 4, 2026); *M.B.,* Docket No. 20-1275 (issued January 29, 2021); *see R.D.,* Docket No. 18-1551 (issued March 1, 2019).

[10] *See M.C.*, Docket No. 26-0417 (issued August 7, 2026); *J.C.*, Docket No. 25-0420 (issued June 18, 2025); *M.B.*, Docket No. 25-0307 (issued March 25, 2025); *G.K.*, Docket No. 24-0012 (issued March 26, 2024).

[11] *V.I.*, Docket No. 23-0555 (issued January 8, 2026); *C.L.*, Docket No. 25-0468 (issued May 8, 2025); *S.R.*, Docket No. 22-0421 (issued July 15, 2022).

ORDER

IT IS HEREBY ORDERED THAT the June 9, 2026 decision of the Office of Workers' Compensation Programs is reversed, and this case is remanded for further proceedings consistent with this decision of the Board.

Issued: September 24, 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