

traversed from home to work and as his wife did not become ill until after his diagnosis. Appellant noted that he first became aware of his condition and realized its relation to his federal employment on April 15, 2023. He stopped work on April 15, 2023 and returned to duty on April 24, 2023.

In an April 26, 2023 narrative statement, appellant explained that he began to feel ill on Friday, April 14, 2023. His condition worsened and he took a COVID-19 home test on Monday, April 17, 2023, prior to seeking medical treatment on that date. Appellant reiterated his belief that he contracted COVID-19 either at his workplace or on his delivery route, which he explained included an urgent care center, two retirement complexes, and a business center. His route also required him to enter an apartment complex office and spend over an hour in small rooms with 12 other persons.

In support of his claim, appellant provided a copy of an April 17, 2023 Polymerase Chain Reaction (PCR) test result, which indicated that appellant was positive for COVID-19. He also submitted an April 24, 2023 report, wherein Dr. Hadi A. Firoz, a Board-certified internist, noted that appellant's symptoms began on April 14, 2023 and that he tested positive for COVID-19 on April 17, 2023.

The employing establishment, by letter dated May 1, 2023, challenged appellant's claim. It contended that there was no evidence supporting that he had been exposed to COVID-19 at the workplace.

In a development letter dated May 3, 2023, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence required and provided a questionnaire for his completion. OWCP provided appellant 60 days to respond. In a separate development letter of even date, it requested that the employing establishment provide comments from a knowledgeable supervisor regarding the accuracy of appellant's allegations and whether he was exposed to another individual who was diagnosed with COVID-19. OWCP afforded the employing establishment 30 days to respond.

Appellant subsequently submitted an illegible copy of a completed development questionnaire dated May 8, 2023.

In a May 10, 2023 response, the employing establishment contended that appellant had not contracted COVID-19 at work. It explained that masks, gloves, and sanitizer were provided for all employees to minimize the effects of exposure. The employing establishment also related that no other employees had been diagnosed with COVID-19.

In a follow-up letter dated May 31, 2021, OWCP 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 May 3, 2023 development 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 another illegible copy of his completed development questionnaire.

On June 6, 2023 it again requested that appellant provided a legible response to the development questionnaire within 60 days from the May 3, 2023 development letter.

OWCP subsequently received a legible copy of a completed development questionnaire dated June 17, 2023. Appellant asserted that he had been exposed to COVID-19 at an apartment complex on his postal route. He recounted that he had remained for over an hour in two five-foot by six-foot unventilated rooms containing approximately 400 mailboxes while the tenants were constantly retrieving their mail. Appellant related that he was unaware of any coworkers diagnosed with COVID-19 at the time he developed his symptoms. He further noted that he was unaware of any specific individual at the apartment complex who tested positive and was diagnosed with COVID-19.

On June 27, 2023 Dr. Firoz completed a report and opined that while it was impossible to determine the exact place of appellant's exposure, COVID-19 exposure was common when in contact with large groups of people, especially those who were unmasked.

By decision dated July 19, 2023, OWCP denied appellant's claim finding that he had not met his burden of proof to establish that his diagnosed condition of COVID-19 was causally related to the accepted employment exposure.

LEGAL PRECEDENT

An employee seeking benefits under FECA² 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 filed within the applicable time limitation of FECA,³ that an injury was sustained while in the performance of duty as alleged, and that any disability or specific 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 on a traumatic injury or an occupational disease.⁵

To establish a claim for COVID-19 diagnosed after January 27, 2023, a claimant must provide: (1) evidence of a COVID-19 diagnosis; (2) evidence that establishes the claimant actually experienced the employment incident(s) or factor(s) alleged to have occurred; (3) evidence that the alleged incident(s) or factor(s) occurred while in the performance of duty; and (4) evidence that the COVID-19 condition is found by a physician to be causally related to the accepted employment incident(s) or factor(s). A rationalized medical report establishing a causal

² *Id.*

³ *C.B.*, Docket No. 21-1291 (issued April 28, 2022); *S.C.*, Docket No. 18-1242 (issued March 13, 2019); *J.P.*, 59 ECAB 178 (2007); *Joe D. Cameron*, 41 ECAB 153 (1989).

⁴ *L.C.*, Docket No. 19-1301 (issued January 29, 2020); *T.H.*, Docket No. 18-1736 (issued March 13, 2019); *R.C.*, 59 ECAB 427 (2008).

⁵ *P.A.*, Docket No. 18-0559 (issued January 29, 2020); *T.E.*, Docket No. 18-1595 (issued March 13, 2019); *Delores C. Ellyett*, 41 ECAB 992 (1990).

link between a diagnosis of COVID-19 and the accepted employment incident(s)/factor(s) is required in all claims for COVID-19 diagnosed after January 27, 2023.⁶

ANALYSIS

The Board finds that appellant has not met his burden of proof to establish a diagnosis of COVID-19 causally related to the accepted employment exposure.

Appellant submitted reports dated April 24 and June 27, 2023 from Dr. Firoz, recounting that appellant's symptoms began on April 14, 2023 and relating that he had positive PCR test results for COVID-19 on April 17, 2023. In his June 27, 2023 report, Dr. Firoz opined that COVID-19 exposure was common when in contact with large groups of people, especially those who were unmasked. He, however, did not specifically address whether appellant's diagnosis of COVID-19 was causally related to his accepted employment exposure. The Board has held that medical evidence that does not offer an opinion regarding the cause of an employee's condition is of no probative value on the issue of causal relationship.⁷ Therefore, this evidence is insufficient to establish the claim.

As the medical evidence of record is insufficient to establish causal relationship between appellant's diagnosis of COVID-19 and the accepted factors of his federal employment, 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 COVID-19 causally related to the accepted employment exposure.

⁶ FECA Bulletin No. 23-02 (issued December 15, 2022). In accordance with the Congressional intent to end the specialized treatment of COVID-19 claims for Federal workers' compensation under section 4016 of the American Rescue Plan Act (ARPA) of 2021, Public Law 117-2 (March 11, 2021), OWCP issued FECA Bulletin No. 23-02, which updated its procedures for processing claims for COVID-19 diagnosed after January 27, 2023.

⁷ *W.T.*, Docket No. 23-0323 (issued August 15, 2023); *R.O.*, Docket No. 20-1243 (issued May 28, 2021); *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018). *See generally* *W.K.*, Docket No. 23-0379 (issued October 26, 2023).

ORDER

IT IS HEREBY ORDERED THAT the July 19, 2023 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: August 14, 2024
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