



COVID-19 due to factors of his federal employment, after he was exposed to a coworker who later tested positive for COVID-19. He noted that he first became aware of his condition and of its relationship to his federal employment on February 8, 2023. Appellant stopped work on February 8, 2023, and returned on February 12, 2023.

In support of his claim, appellant submitted a polymerase chain reaction (PCR) laboratory test result, collected on February 14, 2023, which revealed that he tested positive for COVID-19.

In a February 15, 2023 narrative statement, appellant reported that he began feeling ill on February 8, 2023 after he came down with a fever and body aches. On February 15, 2023 he received positive COVID-19 test results. Appellant further reported that multiple officers in his office also tested positive for COVID-19.

In a development letter dated February 21, 2023, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of evidence needed and provided a questionnaire for his completion. OWCP afforded appellant 30 days to provide the necessary evidence.

In a February 28, 2023 response, appellant described the circumstances surrounding his illness. He reported that he was in close proximity with other coworkers in his office who tested positive for COVID-19 on February 7 and 8, 2023 prior to his infection.

By decision dated April 10, 2023, OWCP denied appellant's occupational disease claim, finding that the evidence of record was insufficient to establish that his diagnosed COVID-19 condition was causally related to the accepted employment exposure.

### **LEGAL PRECEDENT**

An employee seeking benefits under FECA<sup>2</sup> 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.<sup>3</sup> 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.<sup>4</sup>

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;

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<sup>2</sup> *Id.*

<sup>3</sup> *J.M.*, Docket No. 17-0284 (issued February 7, 2018); *R.C.*, 59 ECAB 427 (2008); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

<sup>4</sup> *B.H.*, Docket No. 20-0777 (issued October 21, 2020); *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).

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 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.<sup>5</sup>

### **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.

In support of his claim, he submitted a PCR laboratory result, collected on February 14, 2023, which revealed that he tested positive for COVID-19. The Board has held that, diagnostic studies, standing alone, lack probative value as they do not address whether the employment factors caused or aggravated the diagnosed condition.<sup>6</sup> Accordingly, this evidence is insufficient to establish appellant's claim.

As the medical evidence of record is insufficient to establish causal relationship between the diagnosis of COVID-19 and the accepted employment exposure, the Board finds that appellant 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 diagnosis of COVID-19 causally related to the accepted employment exposure.

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<sup>5</sup> 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.

<sup>6</sup> *F.D.*, Docket No. 19-0932 (issued October 3, 2019).

**ORDER**

**IT IS HEREBY ORDERED THAT** the April 10, 2023 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: May 14, 2024  
Washington, DC

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge  
Employees' Compensation Appeals Board

James D. McGinley, Alternate Judge  
Employees' Compensation Appeals Board