

**United States Department of Labor
Employees' Compensation Appeals Board**

M.P., Appellant)	
and)	Docket No. 25-0582
U.S. POSTAL SERVICE, VERSAILLES POST OFFICE, Versailles, KY, Employer)	Issued: August 5, 2025
)	

Appearances:

Alan J. Shapiro, Esq., for the appellant¹
Office of Solicitor, for the Director

Case Submitted on the Record

ORDER REMANDING CASE

Before:

ALEC J. KOROMILAS, Chief Judge

JANICE B. ASKIN, Judge

VALERIE D. EVANS-HARRELL, Alternate Judge

On May 28, 2025 appellant, through counsel, filed a timely appeal from a May 21, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 25-0582.

On October 8, 2024 appellant, then a 54-year-old city delivery specialist, filed an occupational disease claim (Form CA-2) alleging that he developed a left knee condition due to factors of his federal employment including walking up to 10 miles per day on uneven surfaces

¹ In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; *see also* 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

delivering mail over the course of 30 years. He noted that he first became aware of his condition on March 27, 2022, and realized its relation to his federal employment on April 5, 2022.²

In a September 30, 2024 report, Dr. Sami Moufawad, Board-certified in physical medicine and rehabilitation and pain medicine, reported that he evaluated appellant for a left knee condition related to his repetitive employment duties as a letter carrier and provided a discussion of his employment duties. Dr. Moufawad opined that the repeated trauma to the left knee, induced by the nature of appellant's employment duties which entailed repeated walking, falls, and negotiating different surfaces, led to the injury and development of arthritis in the left knee as evidenced on his imaging study.

By decision dated December 11, 2024, OWCP denied appellant's occupational disease claim, finding that he had not established the implicated factors of his federal employment. Consequently, it concluded that the requirements had not been met to establish an injury as defined by FECA.

On December 17, 2024 appellant, through counsel, requested an oral hearing before a representative of OWCP's Branch of Hearings and Review and submitted additional evidence.

On January 9, 2025 OWCP received a December 27, 2024 medical report, wherein Dr. Moufawad discussed appellant's employment duties as a mail carrier over the course of his employment since 1996. He opined that appellant's left knee osteoarthritis was causally related to the repeated mechanical toll from his employment duties based on his review of medical records, findings on imaging studies, clinical examination, and his objective medical opinion.

A hearing was held on March 27, 2025.

Following the hearing, appellant submitted additional evidence in support of his claim.

By decision dated May 21, 2025, OWCP's hearing representative modified the December 11, 2024 decision, finding that appellant had established the implicated factors of his federal employment. However, the hearing representative found that the claim remained denied

² OWCP assigned the present claim OWCP File No. xxxxxx427. Under OWCP File No. xxxxxx033, appellant filed a traumatic injury claim (Form CA-1) for a July 7, 2009 left ankle injury, which was in a short form closure status and administratively closed. Under OWCP File No. xxxxxx492, OWCP accepted an August 6, 2015 traumatic injury claim for sprain of unspecified ligament of the left ankle and strain of intrinsic muscle and tendon at ankle and foot level, left foot. By decision dated May 3, 2024, OWCP's hearing representative affirmed a January 10, 2024 decision denying expansion of the acceptance of appellant's claim to include a left knee condition causally related to the accepted August 6, 2015 employment incident. Under OWCP File No. xxxxxx056 OWCP accepted a Form CA-2 claim for spondylosis without myelopathy or radiculopathy, cervical region; other cervical disc displacement, unspecified cervical region; radiculopathy, cervical region; spondylosis without myelopathy or radiculopathy, lumbar region; other intervertebral disc displacement, lumbar region; and radiculopathy, lumbar region causally related to the accepted factors of her federal employment. By decision dated June 24, 2025, OWCP's hearing representative affirmed a May 13, 2025 decision denying expansion of the acceptance of appellant's claim to include the consequential conditions of right knee and right ankle as causally related to the accepted factors of his federal employment. OWCP has administratively combined these files with OWCP File No. xxxxxx492 serving as the master file.

because the medical evidence of record was insufficient to establish causal relationship between his diagnosed conditions and the accepted factors of his federal employment.

The Board, having duly considered this matter, finds that the case is not in posture for decision.³

In the case of *William A. Couch*,⁴ the Board held that, when adjudicating a claim, OWCP is obligated to consider and address all evidence properly submitted by a claimant and received by OWCP before the final decision is issued. As noted above, OWCP received reports dated September 30 and December 27, 2024 from Dr. Moufawad opining that appellant's left knee osteoarthritis was causally related to factors of his federal employment as he discussed the repetitive movement of the left knee and repeated flexion and extension from appellant's employment duties causing increased mechanical toll to the left knee. OWCP's hearing representative, however, did not review this evidence in its May 21, 2025 decision. As OWCP's hearing representative did not consider or address this medical evidence of record, she failed to follow OWCP's procedures by not considering all relevant medical reports of record.⁵

As the Board's decisions are final as to the subject matter appealed, it is crucial that OWCP review all evidence received prior to the issuance of its final decision.⁶ The Board finds that this case is not in posture for decision as OWCP's hearing representative did not review the above-noted evidence in the May 21, 2025 decision.⁷

On remand, OWCP shall consider and address all evidence of record. Following this and other such further development as deemed necessary, it shall issue a *de novo* decision. Accordingly,

³ See *Order Remanding Case, K.Y.*, Docket No. 22-0743 (issued December 1, 2022).

⁴ 41 ECAB 548 (1990); *see also R.D.*, Docket No. 17-1818 (issued April 3, 2018).

⁵ *Order Remanding Case, S.T.*, Docket No. 23-0915 (issued January 8, 2024); *Order Remanding Case, G.A.*, Docket No. 21-0862 (issued June 8, 2022); *E.P.*, Docket No. 20-0655 (issued March 17, 2021). OWCP's procedures provide that all evidence submitted should be reviewed and discussed in the decision. Evidence received following development that lacks probative values should also be acknowledged. Whenever possible, the evidence should be referenced by author and date. Federal (FECA) Procedure Manual, Part 2 -- Claims, *Initial Denials*, Chapter 2.1401.5b(2) (November 2012).

⁶ See *Order Remanding Case, C.S.*, Docket No. 18-1760 (issued November 25, 2019); *Yvette N. Davis*, 55 ECAB 475 (2004); *see also William A. Couch*, *supra* note 4.

⁷ See *Order Remanding Case, V.C.*, Docket No. 16-0694 (issued August 19, 2016).

IT IS HEREBY ORDERED THAT the May 21, 2025 decision of the Office of Workers' Compensation Programs is set aside, and the case is remanded for further proceedings consistent with this order of the Board.

Issued: August 5, 2025
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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