

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

<p>N.R., Appellant</p> <p>and</p> <p>U.S. POSTAL SERVICE, OTHELLO POST OFFICE, Othello, WA, Employer</p>	<p>))))))</p>	<p>Docket No. 25-0861 Issued: December 23, 2025</p>
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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

VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On September 9, 2025 appellant filed a timely appeal from an April 2, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act¹ (FECA) and 20 C.F.R. § 501.2(c) and 501.3, the Board has jurisdiction over the merits of the case.²

ISSUES

The issues are: (1) whether OWCP has met its burden of proof to terminate appellant's wage-loss compensation and medical benefits, effective April 2, 2025, as she no longer had disability or residuals causally related to her accepted March 15, 2018 employment injury; and

¹ 5 U.S.C. § 8101 *et seq.*

² The Board notes that, following the April 2, 2025 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.*

(2) whether appellant has met her burden of proof to establish continuing disability and/or residuals on or after April 2, 2025, causally related to the accepted March 15, 2018 employment injury.

FACTUAL HISTORY

This case has previously been before the Board on a different issue.³ The facts and circumstances as set forth in the Board's prior decision are incorporated herein by reference. The relevant facts are as follows.

On March 29, 2018 appellant, then a 42-year-old city carrier, filed a traumatic injury claim (Form CA-1) alleging that, on March 15, 2018, she injured her lower back, left hip, and left buttock when she pushed a hamper full of mail up a ramp while in the performance of duty.⁴ OWCP initially accepted the claim for sprain of muscle, fascia, and tendon of the lower back and later expanded its acceptance of the claim to include lumbar spondylolysis. It paid appellant wage-loss compensation on the supplemental rolls effective May 6, 2018, and on the periodic rolls effective July 22, 2018.

On October 19, 2018 appellant underwent OWCP-authorized surgery to her lumbar spine performed by Dr. Miguel A. Schmitz, a Board-certified orthopedic surgeon, including posterior spinal fusion and transforaminal lumbar interbody fusion of L4-5; laminectomy at L3-4 and L4-5 with bone grafting; left-sided facetectomy at L4-5; insertion of a transforaminal lumbar interbody fusion cage into the L4-5 interspace; and insertion of nonsegmental pedicles of fixation into the bilateral pedicles of L4 and L5.

On March 10, 2022 OWCP referred appellant, together with a statement of accepted facts (SOAF), the medical record, and a series of questions, to Dr. Robin Simon-Mark, an osteopathic orthopedic surgeon, for a second opinion to determine whether appellant continued to suffer from residuals and/or disability causally related to her accepted work-related injury.

In a report dated March 22, 2022, Dr. Schmitz performed a physical examination, where he observed pain with flexion and internal rotation of the left hip, a limp, decreased lumbar flexion, extension, and rotation, and pain during lumbar spine active range of motion (ROM) testing. He diagnosed pain in the lumbar spine, acetabular labrum tear of the left hip, lumbar spondylolysis with myelopathy, spondylolisthesis at L4-5, and spinal stenosis at L3 through L5. In a duty status report (Form CA-17) of even date, Dr. Schmitz released appellant to return to work with continuous lifting up to five pounds, intermittent lifting up to 20 pounds for up to two hours per day, sitting, standing, walking, climbing, kneeling, bending, and stooping for up to two hours per day, and no twisting.

³ Docket No. 23-0019 (issued November 17, 2023).

⁴ OWCP assigned the present claim OWCP File No. xxxxxx487. Appellant has a prior claim for a February 15, 2018 traumatic injury, which OWCP accepted for spondylolisthesis at L4-5 under OWCP File No. xxxxxx582. OWCP has administratively combined OWCP File Nos. xxxxxx582 and xxxxxx487, with the latter serving as the master file.

Dr. Simon-Mark, in a March 24, 2022 report, noted her review of the SOAF and appellant's medical records. She also discussed appellant's current complaints and physical examination findings. Dr. Simon-Mark opined that the accepted work-related conditions had resolved and indicated that appellant had no positive objective findings to indicate that her condition had not resolved.

By notice dated July 5, 2022, OWCP advised appellant that it proposed to terminate her wage-loss compensation and medical benefits based on Dr. Simon-Mark's opinion that the accepted employment-related conditions had ceased without residuals or disability. It afforded her 30 days to submit additional evidence or argument challenging the proposed termination.

By decision dated August 31, 2022, OWCP terminated appellant's wage-loss compensation and medical benefits, effective that date. It found that Dr. Simon-Mark's opinion constituted the weight of the medical opinion evidence and established that appellant no longer had disability or residuals causally related to the accepted March 15, 2018 employment injury.

On October 6, 2022 appellant appealed to the Board. By decision dated November 17, 2023,⁵ the Board reversed the August 31, 2022 termination, finding that OWCP failed to meet its burden of proof to terminate appellant's wage-loss compensation and medical benefits as Dr. Simon-Mark's opinion was conclusory in nature and therefore insufficient to support OWCP's burden of proof.

While the appeal was pending, OWCP continued to receive evidence. In a medical report dated September 15, 2022, Dr. Schmitz noted that appellant related difficulty with twisting her back due to pain. He performed a physical examination of the lumbar spine and observed limp, pain with motion, and reduced ROM with side bending, flexion, rotation, and extension. Dr. Schmitz diagnosed lumbar spondylolysis with myelopathy, history of lumbar fusion, spinal stenosis L3 to L5, and grade 1 spondylolisthesis at L4-5. In a Form CA-17 of even date, he diagnosed an injury to the lumbar spine at L4-5 and indicated that appellant had permanent work restrictions including continuous lifting up to one pound, intermittent lifting up to 10 pounds for up to two hours per day, sitting, pushing, and pulling for up to two hours per day, standing and walking for up to one hour per day, and no climbing, kneeling, bending, stooping, or twisting.

On May 3, 2024 OWCP referred appellant along with a SOAF, the medical record, and a series of questions, to Dr. William Littlefield, a Board-certified orthopedic surgeon, for a second opinion evaluation to determine whether appellant continued to suffer from residuals and/or disability causally related to her accepted work-related injury.

Dr. Littlefield, in a July 24, 2024 report, noted his review of the SOAF and appellant's medical records. He also discussed her current complaints of left-sided low back pain, left hip pain, and left buttock pain. On physical examination, Dr. Littlefield observed reduced ROM of the lumbar spine with flexion, extension, and rotation. He diagnosed low back strain and lumbar spondylolysis. Dr. Littlefield opined that the accepted work-related conditions had resolved and indicated that appellant had no positive objective findings to indicate that her conditions were still

⁵ *Supra* note 3.

active or disabling. He found no need for further medical treatment and that she could return to her date-of-injury city carrier job.

On January 8, 2025 OWCP received a Form CA-17 by Dr. Schmitz, which noted a diagnosis of fusion at L4-5 and clinical findings of left lower extremity weakness. Dr. Schmitz released appellant to return to work with restrictions of no lifting greater than 10 pounds on an intermittent basis, sitting, pulling, pushing, and simple grasping up to two hours per day, walking and driving up to one hour per day, and standing up to four hours per day. He indicated that the restrictions were permanent.

By notice dated February 26, 2025, OWCP advised appellant that it proposed to terminate her wage-loss compensation and medical benefits based on Dr. Littlefield's opinion that the accepted employment-related conditions had ceased without residuals or disability. It afforded her 30 days to submit additional evidence or argument challenging the proposed termination.

In an attending physician's report (Form CA-20) dated March 24, 2025, Dr. Schmitz diagnosed lumbar spondylolysis with left lower extremity radiculopathy due to the March 15, 2018 employment injury. He noted that appellant was partially disabled from work commencing March 15, 2018.

By decision dated April 2, 2025, OWCP terminated appellant's wage-loss compensation and medical benefits, effective that date. It found that Dr. Littlefield's opinion constituted the weight of the medical opinion evidence and established that she no longer had disability or residuals causally related to the accepted March 15, 2018 employment injury.

LEGAL PRECEDENT -- ISSUE 1

Once OWCP accepts a claim and pays compensation, it has the burden of proof to justify termination or modification of an employee's benefits.⁶ After it has determined that, an employee has disability causally related to his or her federal employment, OWCP may not terminate compensation without establishing that the disability has ceased or that it is no longer related to the employment.⁷ Its burden of proof includes the necessity of furnishing rationalized medical opinion evidence based on a proper factual and medical background.⁸

The right to medical benefits for an accepted condition is not limited to the period of entitlement for disability compensation.⁹ To terminate authorization for medical treatment, OWCP

⁶ *R.G.*, Docket No. 22-0165 (issued August 11, 2022); *D.G.*, Docket No. 19-1259 (issued January 29, 2020); *S.F.*, 59 ECAB 642 (2008); *Kelly Y. Simpson*, 57 ECAB 197 (2005); *Paul L. Stewart*, 54 ECAB 824 (2003).

⁷ See *R.P.*, Docket No. 17-1133 (issued January 18, 2018); *Jason C. Armstrong*, 40 ECAB 907 (1989); *Charles E. Minnis*, 40 ECAB 708 (1989); *Vivien L. Minor*, 37 ECAB 541 (1986).

⁸ *R.L.*, Docket No. 22-1175 (issued May 11, 2023); *M.C.*, Docket No. 18-1374 (issued April 23, 2019); *Del K. Rykert*, 40 ECAB 284, 295-96 (1988).

⁹ *P.K.*, Docket No. 22-1345 (issued June 28, 2023); *A.G.*, Docket No. 19-0220 (issued August 1, 2019); *T.P.*, 58 ECAB 524 (2007); *Kathryn E. Demarsh*, 56 ECAB 677 (2005); *Furman G. Peake*, 41 ECAB 361, 364 (1990).

must establish that appellant no longer has residuals of an employment-related condition which require further medical treatment.¹⁰

ANALYSIS -- ISSUE 1

The Board finds that OWCP failed to meet its burden of proof to terminate appellant's wage-loss compensation and medical benefits, effective April 2, 2025.

OWCP terminated appellant's wage-loss compensation and medical benefits based on the July 24, 2024 report of Dr. Littlefield, the second opinion physician. Dr. Littlefield noted his review of the SOAF and appellant's current complaints. He observed physical examination findings of reduced lumbar ROM with flexion, extension, and bilateral rotation. Dr. Littlefield diagnosed lumbar strain and spondylolysis and found that appellant had no positive objective findings to indicate that her conditions were still active or disabling. He opined that the accepted work-related conditions had resolved, that appellant could return to her date-of-injury city carrier position with no restrictions, and that there was no need for further medical treatment. Dr. Littlefield did not, however, sufficiently explain how or why the accepted conditions had ceased without disability or residuals as of April 2, 2025.¹¹ The Board has held that a medical report is of limited probative value if it contains a conclusion which is unsupported by sufficient medical rationale.¹² The Board thus finds that OWCP failed to meet its burden of proof to terminate appellant's wage-loss compensation and medical benefits.

CONCLUSION

The Board finds that OWCP has not met its burden of proof to terminate appellant's wage-loss compensation and medical benefits, effective April 2, 2025.¹³

¹⁰ See *A.G.*, *id.*; *James F. Weikel*, 54 ECAB 660 (2003); *Pamela K. Guesford*, 53 ECAB 727 (2002).

¹¹ *C.G.*, Docket No. 23-0013 (issued April 24, 2023); *C.B.*, Docket No. 20-0629 (issued May 26, 2021); *A.G.*, Docket No. 20-0187 (issued December 31, 2020); *see J.W.*, 19-1014 (issued October 24, 2019); *S.W.*, Docket No. 18-0005 (issued May 24, 2018).

¹² *See J.R.*, Docket No. 25-0710 (issued August 28, 2025); *C.B., widow of S.B.*, Docket No. 19-1629 (issued April 7, 2020); *V.T.*, Docket No. 18-0881 (issued November 19, 2018); *S.E.*, Docket No. 08-2214 (issued May 6, 2009); *T.M.*, Docket No. 08-0975 (issued February 6, 2009).

¹³ In view of the Board's disposition of Issue 1, Issue 2 is rendered moot.

ORDER

IT IS HEREBY ORDERED THAT the April 2, 2025 decision of the Office of Workers' Compensation Programs is reversed.

Issued: December 23, 2025
Washington, DC

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

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

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