

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

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**R.E., Appellant**

**and**

**U.S. POSTAL SERVICE, CINCINNATI POST  
OFFICE, Cincinnati, OH, Employer**

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**Docket No. 25-0882**

**Issued: December 1, 2025**

*Appearances:*

*Alan J. Shapiro, Esq., for the appellant<sup>1</sup>*

*Office of Solicitor, for the Director*

*Case Submitted on the Record*

**DECISION AND ORDER**

Before:

ALEC J. KOROMILAS, Chief Judge

JANICE B. ASKIN, Judge

VALERIE D. EVANS-HARRELL, Alternate Judge

**JURISDICTION**

On September 15, 2025 appellant, through counsel, filed a timely appeal from an August 29, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act<sup>2</sup> (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.<sup>3</sup>

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<sup>1</sup> 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.

<sup>2</sup> 5 U.S.C. § 8101 *et seq.*

<sup>3</sup> The Board notes that following the August 29, 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.*

## **ISSUE**

The issue is whether appellant has met his burden of proof to establish disability from work commencing October 29, 2024, causally related to his accepted employment injuries.

## **FACTUAL HISTORY**

On March 30, 2023 appellant, then a 34-year-old electronic technician, filed an occupational disease claim (Form CA-2) alleging that his osteochondritis dissecans was aggravated by factors of his federal employment including repetitive crouching, kneeling, and the stressing of his knees. He first became aware of his condition and its relationship to his federal employment on March 27, 2023. OWCP accepted the claim for aggravation of left knee osteochondritis dissecans.<sup>4</sup> It paid appellant wage-loss compensation on the supplemental rolls from June 6 to October 22, 2023.<sup>5</sup>

Appellant stopped work on May 17, 2023 and returned on May 18, 2023.<sup>6</sup> He resigned from the employing establishment effective February 16, 2024.

In an August 7, 2024 report, Dr. Allison Perry, an orthopedic surgeon, diagnosed left knee pain. She related that appellant had undergone an osteochondral graft in 2023 and that he had progressed well following the procedure. Appellant reported difficulty walking associated with posterior knee pain radiating to the front which had lasted four days and had since resolved. Dr. Perry noted that appellant had a history of gout. On physical examination she reported a well-healed incision, no tenderness, full range of motion. Appellant's four-view left knee x-rays reflected normal findings.

On December 4, 2024 appellant filed a claim for compensation (Form CA-7) claiming disability from work commencing October 29, 2024.

In a development letter dated December 18, 2024, OWCP informed appellant of the deficiencies of his disability claim. It advised him of the type of medical evidence needed and afforded him 30 days to respond.

In response, appellant submitted a May 19, 2023 left knee osteochondral allograft reconstruction surgical report from Dr. Brian Grawe, a Board-certified orthopedic surgeon.

In a December 18, 2024 office visit note, Dr. Priyanka Parameswaran, an orthopedic surgeon, related that appellant was seen for a postoperative visit after undergoing a left knee

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<sup>4</sup> OWCP assigned the current claim OWCP File No. xxxxxx453.

<sup>5</sup> On June 26, 2023 appellant filed a traumatic injury claim (Form CA-1) alleging that on May 17, 2023 he aggravated his left knee condition while bending multiple times to replace relays in the leader module while in the performance of duty. OWCP accepted the claim for aggravation left femur displaced closed medial condyle fracture. It assigned this claim OWCP File No. xxxxxx647. On January 31, 2024 OWCP administratively combined OWCP File No. xxxxxx647 with the current claim, OWCP File No. xxxxxx453, which was designated as the master File.

<sup>6</sup> By decision dated April 25, 2024, OWCP granted appellant a schedule award for nine percent permanent impairment of the left lower extremity (leg). The period of the award was for 25.92 weeks and ran from February 20 through August 19, 2024.

femoral condyle procedure in May 2023. She noted that appellant was currently working in the private sector. Dr. Parameswaran related that appellant complained of occasional left knee instability without pain and some residual weakness. She noted that gout-related gait changes may have contributed to his prior knee symptoms. On physical examination of appellant's left knee, Dr. Parameswaran reported no effusion, a well-healed incision and range of motion of 0 to 120 degrees. She diagnosed left knee pain, with unspecified chronicity. Dr. Parameswaran concluded that appellant's left knee condition was stable, and that he could continue working without restrictions.

By decision dated February 26, 2025, OWCP denied appellant's claim for disability commencing October 29, 2024 as causally related to the accepted employment injury.

On March 6, 2025 appellant, through counsel, requested an oral hearing before a representative of OWCP's Branch of Hearings and Review, which was subsequently converted to a request for a review of the written record.

By decision dated August 29, 2025, OWCP's hearing representative affirmed the February 26, 2025 decision.

### **LEGAL PRECEDENT**

An employee seeking benefits under FECA<sup>7</sup> has the burden of proof to establish the essential elements of his or her claim, including that any disability or specific condition for which compensation is claimed is causally related to the employment injury.<sup>8</sup> The term disability is defined as the incapacity, because of an employment injury, to earn the wages the employee was receiving at the time of the injury.<sup>9</sup> For each period of disability claimed, the employee has the burden of proof to establish that he or she was disabled from work as a result of the accepted employment injury.<sup>10</sup> Whether a particular injury causes an employee to become disabled from work, and the duration of that disability, are medical issues that must be proven by a preponderance of the reliable, probative, and substantial medical evidence.<sup>11</sup>

The medical evidence required to establish causal relationship between a claimed period of disability and an employment injury is rationalized medical opinion evidence. The opinion of the physician must be based on a complete factual and medical background of appellant, must be

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<sup>7</sup> *Supra* note 2.

<sup>8</sup> *V.H.*, Docket 23-1013 (issued July 24, 2025); *C.B.*, Docket No. 20-0629 (issued May 26, 2021); *D.S.*, Docket No. 20-0638 (issued November 17, 2020); *S.W.*, Docket No. 18-1529 (issued April 19, 2019); *Elaine Pendleton*, 40 ECAB 1143 (1989); *see also Nathaniel Milton*, 37 ECAB 712 (1986).

<sup>9</sup> 20 C.F.R. § 10.5(f); *V.H., id.*; *S.T.*, Docket No. 18-412 (issued October 22, 2018); *Cheryl L. Decavitch*, 50 ECAB 397 (1999).

<sup>10</sup> *V.H., id.*; *K.C.*, Docket No. 17-1612 (issued October 16, 2018); *William A. Archer*, 55 ECAB 674 (2004).

<sup>11</sup> *V.H., id.*; *S.G.*, Docket No. 18-1076 (issued April 11, 2019); *Fereidoon Kharabi*, 52 ECAB 291-92 (2001).

one of reasonable medical certainty and must be supported by medical rationale explaining the nature of the relationship between the claimed disability and the accepted employment injury.<sup>12</sup>

The Board will not require OWCP to pay compensation for disability in the absence of medical evidence directly addressing the specific dates of disability for which compensation is claimed. To do so would essentially allow an employee to self-certify his or her disability and entitlement to compensation.<sup>13</sup>

### ANALYSIS

The Board finds that appellant has not met his burden of proof to establish disability from work commencing October 29, 2024, causally related to his accepted employment injury.

In support of his claim for compensation, appellant submitted a December 18, 2024 office visit note from Dr. Parmeswaran who diagnosed left knee pain and found appellant could continue working without restriction. She, however, did not offer an opinion as to whether appellant was disabled from work due to the accepted conditions during the claimed period. The Board has held that medical evidence that does not offer an opinion regarding the cause of an employee's condition or disability is of no probative value on the issue of causal relationship.<sup>14</sup> Therefore, this evidence is of no probative value and is insufficient to establish appellant's claim for compensation.

Appellant also submitted a May 19, 2023 operative report from Dr. Grawe and an August 7, 2024 report from Dr. Perry which predate the claimed period of disability. Therefore, these reports are of no probative value and are insufficient to establish appellant's claim for compensation.<sup>15</sup>

As the medical evidence of record is insufficient to establish disability from work commencing October 29, 2024, causally related to the accepted employment injury, 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.

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<sup>12</sup> See *V.H.*, *id.*; *B.P.*, Docket No. 23-0909 (issued December 27, 2023); *D.W.*, Docket No. 20-1363 (issued September 14, 2021); *Y.S.*, Docket No. 19-1572 (issued March 12, 2020).

<sup>13</sup> See *V.H.*, *id.*; *M.J.*, Docket No. 19-1287 (issued January 13, 2020); *William A. Archer*, 55 ECAB 674 (2004); *Fereidoon Kharabi*, *supra* note 11.

<sup>14</sup> See *S.M.*, Docket No. 22-1209 (issued February 27, 2024); *A.S.*, Docket No. 21-1263 (issued July 24, 2023); *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

<sup>15</sup> *M.F.*, Docket No. 24-0445 (issued May 23, 2024); *K.K.*, Docket No. 22-0270 (issued February 14, 2023); *B.C.*, Docket No. 22-0940 (issued January 4, 2023).

**CONCLUSION**

The Board finds that appellant has not met his burden of proof to establish disability from work commencing October 29, 2024, causally related to his accepted employment injury.

**ORDER**

**IT IS HEREBY ORDERED THAT** the August 29, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: December 1, 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