

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

L.M., Appellant

and

**FEDERAL DEPOSIT INSURANCE
CORPORATION, Downers Grove, IL, Employer**

Docket No. 25-0893

Issued: December 19, 2025

Appearances:

Stephanie Leet, Esq., for the appellant¹

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 19, 2025 appellant, through her counsel, filed a timely appeal from a March 25, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act² (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

ISSUE

The issue is whether appellant has met her burden of proof to establish continuing disability or residuals on or after May 4, 2022, causally related to her accepted February 26, 2019 employment injury.

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.

² 5 U.S.C. § 8101 *et seq.*

FACTUAL HISTORY

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

On March 4, 2019 appellant, then a 50-year-old bank examiner, filed a traumatic injury claim (Form CA-1) alleging that on February 26, 2019 she slipped and fell on the ice/snow on her way into a bank, injuring her knees, feet, back, hands/wrists, and shoulder, while in the performance of duty. She stopped work that day. OWCP accepted the claim for right rib contusion, neck strain, right knee contusion, left knee contusion, sprain of unspecified site of right knee, right ankle contusion and left ankle contusion. Appellant returned to part-time limited-duty work for four hours a day, three days a week on April 15, 2019.⁴ OWCP paid her appropriate wage-loss compensation for partial disability on its supplemental rolls commencing April 15, 2019.

By decision dated May 4, 2022, OWCP terminated appellant's wage-loss compensation and medical benefits, effective that date. It found that the opinion of Dr. Hythern P. Shadid, a Board-certified orthopedic surgeon, serving as the impartial medical examiner (IME), represented the special weight of the evidence and established that she had no further disability or residuals due to her accepted employment injury.

On May 31, 2022 appellant, through counsel, requested a review of the written record by a representative of OWCP's Branch of Hearings and Review. An OWCP hearing representative, by decision dated February 9, 2023, affirmed OWCP's May 4, 2022 decision.

Appellant, through counsel, appealed to the Board. By decision dated January 22, 2024, the Board affirmed the February 9, 2023 decision, finding that OWCP met its burden of proof to terminate appellant's wage-loss compensation and medical benefits, effective May 4, 2022, and that appellant had not met her burden of proof to establish continuing disability and residuals on or after May 4, 2022, causally related to her accepted February 26, 2019 employment injury.⁵

On January 20, 2025 appellant, through counsel, requested reconsideration and submitted additional evidence.

In reports dated June 28 and July 20, 2022, Dr. Brooke Belcher, a physiatrist, reiterated that appellant had a chronic thoracic condition related to a fracture which had resulted in chronic pain and deformity beginning on August 5, 2011. She opined that as the February 26, 2019 fall had exacerbated appellant's symptoms and pain, appellant should continue on extended Leave Without Pay (LWOP). Dr. Belcher noted that appellant was working with restrictions 12 hours per week, as tolerated, and indicated that she would gradually increase her hours, if stable, by December 2022 to reach the 24 hours per week required by the employing establishment.

³ Docket No. 23-1028 (issued January 22, 2024).

⁴ Appellant's regular schedule was eight hours a day, three days a week.

⁵ See *supra* note 3.

By decision dated March 25, 2025, OWCP denied modification.

LEGAL PRECEDENT

Once OWCP properly terminates compensation benefits, the burden shifts to appellant to establish continuing residuals or disability after that date, causally related to the accepted employment injury.⁶ To establish causal relationship between the condition as well as any attendant disability claimed and the employment injury, an employee must submit rationalized medical evidence based on a complete medical and factual background, supporting such causal relationship.⁷

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish continuing disability or residuals on or after May 4, 2022, causally related to her accepted February 26, 2019 employment injury.

On prior appeal, the Board found that OWCP met its burden of proof to terminate appellant's wage-loss compensation and medical benefits effective May 4, 2022 based on the opinion of Dr. Shadid, a second opinion physician, who found that appellant no longer had disability or residuals causally related to the accepted employment injury. It further found that appellant had not met her burden of proof to establish continuing disability or residuals on or after May 4, 2022, causally related to her accepted February 26, 2019 employment injury. The Board notes that it is unnecessary to consider the evidence appellant submitted prior to the issuance of OWCP's February 9, 2023 decision, because the Board considered that evidence in its January 22, 2024 decision. Findings made in prior Board decisions are *res judicata* absent further review by OWCP under section 8128 of FECA.⁸

Following the Board's January 22, 2024 decision, OWCP received June 28 and July 20, 2022 reports from Dr. Belcher, who reiterated, without medical rationale, that appellant's February 26, 2019 fall had exacerbated her pain and symptoms from a preexisting chronic thoracic condition. She further recommended that appellant remain on extended LWOP, despite noting that appellant was going to gradually increase working with restrictions from 12 hours per week to 24 hours per week, as tolerated. Dr. Belcher's reports are essentially duplicative of her reports reviewed by the Board in its prior decision as she did not offer an opinion as to whether appellant had continuing residuals or disability, of the accepted medical conditions, on or after May 4, 2022 causally related to the accepted employment injury. The Board has explained that medical evidence that does not address whether the claimed disability is causally related to the accepted

⁶ See *S.V.*, Docket No. 25-0688 (issued September 5, 2025); *S.M.*, Docket No. 18-0673 (issued January 25, 2019); *C.S.*, Docket No. 18-0952 (issued October 23, 2018); *Manuel Gill*, 52 ECAB 282 (2001).

⁷ *Id.*

⁸ *D.A.*, Docket No. 19-1965 (issued February 10, 2021); *G.B.*, Docket No. 19-1448 (issued August 21, 2020); *Clinton E. Anthony, Jr.*, 49 ECAB 476, 479 (1998).

employment-related conditions is of no probative value.⁹ For this reason, this evidence is insufficient to establish appellant's burden of proof.

As the medical evidence of record is insufficient to establish continuing disability or residuals on or after May 4, 2022 causally related to the accepted employment injury, the Board finds that appellant has not met her 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 and 20 C.F.R. §§ 10.605 through 10.607.

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish continuing disability or residuals on or after May 4, 2022, causally related to her accepted February 26, 2019 employment injury.

ORDER

IT IS HEREBY ORDERED THAT the March 25, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: December 19, 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

⁹ See *N.W.*, Docket No. 25-0270 (issued April 7, 2025); *M.T.*, Docket No. 24-0465 (issued September 27, 2024); *A.O.*, Docket No. 24-0382 (issued May 16, 2024); *F.S.*, Docket No. 23-0112 (issued April 26, 2023); *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).