

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

F.M., Appellant

and

**U.S. POSTAL SERVICE, WEST MILWAUKEE
POST OFFICE, Milwaukee, WI Employer**

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**Docket No. 25-0599
Issued: July 25, 2025**

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:

PATRICIA H. FITZGERALD, Deputy Chief Judge
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On June 3, 2025 appellant filed a timely appeal from a March 13, 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 to consider the merits of this case.

ISSUE

The issue is whether OWCP has met its burden of proof to terminate appellant's wage-loss compensation and medical benefits, effective March 13, 2025, as he no longer had disability or residuals causally related to his accepted December 18, 2019 employment injury.

¹ 5 U.S.C. § 8101 *et seq.*

FACTUAL HISTORY

This case was previously before the Board on a different issue.² 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 February 11, 2020 appellant, then a 50-year-old city carrier, filed a traumatic injury claim (Form CA-1) alleging on December 18, 2019 he injured his left knee when he slipped off the bottom step, while ascending stairs, and fell forward twisting his leg and hitting his knee while in the performance of duty. He stopped work on December 23, 2019. OWCP accepted appellant's claim for contusion of the left knee. It later expanded acceptance of the claim to include tear of the left medial meniscus. OWCP paid appellant wage-loss compensation commencing December 23, 2020.

On March 1, 2023 OWCP referred appellant, along with the medical record, a statement of accepted facts (SOAF), and a series of questions, to Dr. Mysore Shivaram, a Board-certified orthopedic surgeon, for a second opinion examination. It requested that he determine the current work-related diagnoses, whether the work-related conditions had resolved, and the extent of any employment-related disability.

In a March 29, 2023 report, Dr. Shivaram reviewed the SOAF and provided findings on physical examination of the left knee including a well-healed non-tender scar, no intraarticular effusion, negative Lachman's test, negative pivot shift, intact sensation, normal neurovascular status, satisfactory alignment of the left knee, with stability in valgus and varus stress, and normal gait. He noted that appellant had multiple complaints of left knee pain but that the objective findings did not correlate with his subjective complaints. Dr. Shivaram opined that the accepted conditions of contusion of the left knee and tear of the medial meniscus of the left knee had resolved. He determined that there were no other work-related conditions or diagnoses as appellant's preexisting degenerative arthritis was unrelated to the work injury. Dr. Shivaram concluded that no additional medical treatment was necessary, and that he could return to his date-of-injury position without restrictions. He noted that appellant continued to report left knee pain which was not related to the accepted employment injury and related that he was unable to explain the reason for the current level of disability in the absence of findings on clinical or radiological examinations.

On January 11, 2024 OWCP proposed to terminate appellant's wage-loss compensation and medical benefits because his accepted December 18, 2019 employment injury had resolved. It found that the weight of medical evidence rested with the March 29, 2023 medical report of Dr. Shivaram, the second opinion physician, who found that he no longer had disability or residuals causally related to his accepted December 18, 2019 employment injury. OWCP afforded appellant 30 days to submit additional evidence or argument.

Dr. Paul R. Miller, a Board-certified orthopedic surgeon and appellant's attending physician, examined appellant on February 2, 2024 noting his history of injury and medical treatment. He performed a physical examination and diagnosed status post medial unicondylar

² Docket No. 22-0346 (issued August 9, 2022).

replacement. On February 15, 2024 Dr. Miller completed an attending physician's report (Form CA-20) and described appellant's history of work-related slip and fall on December 18, 2019 with a left knee injury. He opined that the accepted employment injury was the direct cause of his meniscal tear and aggravation and acceleration of left knee arthritis. Dr. Miller found that appellant was partially disabled and could perform sedentary work.

On December 30, 2024 Dr. Miller recounted appellant's subjective complaints of soreness and stiffness in the left knee. He diagnosed status-post medial unicondylar replacement and found that appellant was partially disabled with a sedentary restriction. Dr. Miller completed a January 3, 2025 Form CA-20 repeating his history and diagnoses. He found that appellant could perform sedentary work on December 3, 2021.

By decision dated March 13, 2025, OWCP finalized the termination of appellant's wage-loss compensation and medical benefits, effective that date. It found that the weight of the medical evidence rested with Dr. Shivaram, the second opinion physician, who had determined in his March 29, 2023 report that appellant no longer had disability or residuals causally related to the accepted December 18, 2019 employment injury.

LEGAL PRECEDENT

Once OWCP accepts a claim and pays compensation, it has the burden of proof to justify modification or termination of an employee's benefits.³ 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.⁴ OWCP's burden of proof includes the necessity of furnishing rationalized medical opinion evidence based on a proper factual and medical background.⁵ The right to medical benefits for an accepted condition is not limited to the period of entitlement for disability.⁶ To terminate authorization for medical treatment, OWCP must establish that appellant no longer has residuals of an employment-related condition, which would require further medical treatment.⁷

³ *C.F.*, Docket No. 21-0003 (issued January 21, 2022); *J.T.*, Docket No. 19-1723 (issued August 24, 2020); *S.P.*, Docket No. 19-0196 (issued June 24, 2020); *S.F.*, 59 ECAB 642 (2008); *Kelly Y. Simpson*, 57 ECAB 197 (2005); *Paul L. Stewart*, 54 ECAB 824 (2003).

⁴ *S.P.*, Docket No. 22-0393 (issued August 26, 2022); *A.T.*, Docket No. 20-0334 (issued October 8, 2020); *E.B.*, Docket No. 18-1060 (issued November 1, 2018).

⁵ *S.P.*, *id.*; *C.R.*, Docket No. 19-1132 (issued October 1, 2020); *G.H.*, Docket No. 18-0414 (issued November 14, 2018).

⁶ *S.P.*, *id.*; *E.J.*, Docket No. 20-0013 (issued November 19, 2020); *L.W.*, Docket No. 18-1372 (issued February 27, 2019).

⁷ *C.F.*, *supra* note 3; *M.E.*, Docket No. 20-0877 (issued August 17, 2021); *L.S.*, Docket No. 19-0959 (issued September 24, 2019); *R.P.*, Docket No. 18-0900 (issued February 5, 2019).

ANALYSIS

The Board finds that OWCP met its burden of proof to terminate appellant's wage-loss compensation and medical benefits, effective March 13, 2025, as he no longer had disability or residuals causally related to his accepted December 18, 2019 employment injury.

In his March 29, 2023 report, Dr. Shivaram reviewed the SOAF, discussed appellant's factual and medical history and reported findings on physical examination of the left knee. He noted a well-healed non-tender scar, no intraarticular effusion, negative Lachman's test, negative pivot shift, intact sensation, normal neurovascular status, satisfactory alignment of the left knee, with stability in valgus and varus stress, and normal gait. Dr. Shivaram also indicated that appellant's subjective complaints somewhat outweighed the objective findings on examination and radiographic studies. Based on his evaluation of appellant and postsurgical diagnostic studies, he opined that the work-related conditions had resolved, further treatment was not required, and that he could return to work in his date-of-injury position without restrictions. Dr. Shivaram further determined that there were no other work-related conditions or diagnoses as appellant's preexisting degenerative arthritis was unrelated to the work injury.

The Board finds that the opinion of Dr. Shivaram has reliability, probative value, and convincing quality with respect to its conclusions regarding the issue of continuing work-related disability and residuals. He reviewed the SOAF, provided a thorough factual and medical history and accurately summarized the relevant medical evidence. Dr. Shivaram provided medical rationale for his opinion by explaining that appellant had no objective evidence of the December 18, 2019 employment injury.⁸ Accordingly, the Board finds that OWCP properly relied on his second opinion report in terminating his wage-loss compensation and medical benefits.⁹

OWCP received reports dated February 2 and 15, and December 30, 2024, and January 3, 2025 from appellant's attending physician, Dr. Miller, diagnosing status post medial unicondylar replacement. Dr. Miller opined that the accepted employment injury was the direct cause of appellant's meniscal tear and aggravation and acceleration of left knee arthritis and found that appellant was partially disabled. However, he failed to provide a well-rationalized opinion, with supporting objective evidence, to explain that appellant's accepted conditions had not resolved. While he diagnosed left knee arthritis, a nonaccepted condition, Dr. Miller offered no opinion or medical explanation as to why this condition was causally related to the December 18, 2019 work injury. Although he also found work-related disability, his opinion is of limited probative value because he did not provide a rationalized medical explanation supporting causal relationship. The Board has held that a report is of limited probative value regarding causal relationship if it does

⁸ See *C.W.*, Docket No. 21-0943 (issued February 17, 2023); *W.C.*, Docket No. 18-1386 (issued January 22, 2019); *D.W.*, Docket No. 18-0123 (issued October 4, 2018); *Melvina Jackson*, 38 ECAB 443 (1987).

⁹ *D.D.*, Docket No. 21-1029 (issued February 22, 2022); *R.P.*, Docket No. 20-0891 (issued September 20, 2021); *N.G.*, Docket No. 18-1340 (issued March 6, 2019); *A.F.*, Docket No. 16-0393 (issued June 24, 2016).

not contain medical rationale explaining how a given medical condition/level of disability has an employment-related cause.¹⁰

The Board, therefore, finds that OWCP properly terminated appellant's wage-loss compensation and medical benefits, effective March 13, 2025.

CONCLUSION

The Board finds that OWCP met its burden of proof to terminate appellant's wage-loss compensation and medical benefits, effective March 13, 2025, as he no longer had disability or residuals causally related to his accepted December 18, 2019 employment injury.

ORDER

IT IS HEREBY ORDERED THAT the March 13, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: July 25, 2025
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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

¹⁰ See *S.T.*, Docket No. 23-0610 (issued April 8, 2024); *T.T.*, Docket No. 18-1054 (issued April 8, 2020); *Y.D.*, Docket No. 16-1896 (issued February 10, 2017).