

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

P.H., Appellant

and

**U.S. POSTAL SERVICE, POST OFFICE,
Birmingham, AL, Employer**

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**Docket No. 25-0442
Issued: June 5, 2025**

Appearances:

Michael J. Watson, for the appellant¹

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 March 28, 2025 appellant, through her representative, filed a timely appeal from a November 15, 2024 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.³

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.*

³ The Board notes that following the November 15, 2024 decision, OWCP received additional evidence. 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.*

ISSUES

The issues are: (1) whether OWCP has met its burden of proof to terminate appellant's wage-loss compensation and medical benefits, effective March 12, 2024, as she no longer had disability or residuals causally related to her accepted March 10, 2021 employment injury; and (2) whether appellant has met her burden of proof to establish continuing disability and/or residuals, on or after March 12, 2024, causally related to the accepted employment injury.

FACTUAL HISTORY

On March 24, 2021 appellant, then a 55-year-old rural carrier, filed a traumatic injury claim (Form CA-1) alleging that on March 3, 2021 she suffered a low back strain when she lifted a parcel while in the performance of duty. She stopped work on March 10, 2021. OWCP accepted the claim for strain of muscle, fascia and tendon of lower back and strain of left sacroiliac joint with a date of injury of March 10, 2021. It paid appellant wage-loss compensation on the supplemental rolls commencing April 25, 2021, and on the periodic rolls commencing August 15, 2021.

On September 5, 2023 OWCP referred appellant, together with a statement of accepted facts (SOAF), the medical record, and a series of questions, to Dr. Christo Koullisis, a Board-certified orthopedic surgeon, for a second opinion evaluation.

In a September 13, 2023 report, Dr. Matthew Stewart, a Board-certified anesthesiologist and pain medicine physician, noted examination findings and related that the results of a February 2023 magnetic resonance imaging (MRI) scan demonstrated a partial-thickness anterior labral tear. He explained that a labral tear can cause pain and a mechanical-type sensation within the hip, but the pain was typically not severe enough to prevent appellant from working. Dr. Stewart noted that while appellant has multilevel lumbar degenerative changes, those issues were best dealt with by either a neurosurgeon or orthopedic spine surgeon.

On October 12, 2023 OWCP received a request for case expansion of the acceptance of appellant's claim to include the condition of other articular cartilage disorders, left hip. The February 8, 2023 left hip MRI scan report and Dr. Stewart's September 13, 2023 report were referenced.

In a report dated October 3, 2023, Dr. Koullisis noted his review of the SOAF and appellant's medical record. Appellant's physical examination, which included mechanical testing of the lumbar spine along with neurological and muscle testing of the lower extremities, was normal. Dr. Koullisis diagnosed administratively accepted strain of muscle, fascia and tendon of lower back and strain of left sacroiliac; pelvic floor dysfunction on a more probable than not basis not related to the March 10, 2021 employment injury; and pain behaviors (Waddell's 5/5). He opined that the objective findings of the physical examination did not correlate with appellant's subjective complaints, noting that she had significant pain behaviors but was neurologically intact with negative tension signs. Dr. Koullisis also noted that while appellant was tender to light touch, there were no palpable spasm in the lumbar spine and the sacroiliac examination was unremarkable. He also stated that while her Waddell's was 5/5, her pain complaints were inconsistent with the physical examination findings. Dr. Koullisis opined that the accepted conditions of strain of lower back and strain of left sacroiliac had fully resolved with no need for further treatment. He further opined that she could return full time to her date-of-injury position without restrictions.

Dr. Timmons continued to follow appellant for her ongoing left hip pain. In an October 27, 2023 duty status report (Form CA-17), he opined that diagnosed sprain of sacroiliac joint pain and strain low back pain were due to the March 10, 2021 work injury and that appellant was totally disabled.

On November 20, 2023 OWCP requested that Dr. Koullisis clarify whether appellant suffered pelvic floor dysfunction causally related to the March 10, 2021 employment injury. Dr. Koullisis was also requested by OWCP to provide an opinion as to whether the acetabular labrum tear was causally related to the March 10, 2023 employment injury. Copies of September 13, 2023 left hip MRI scan and Dr. Stewart's October 12, 2023 report were provided.

In a December 4, 2023 addendum report, Dr. Koullisis opined that the partial thickness left anterior labral tear was not clinically significant, noting those findings were normal and clinically not consequential to an individual of appellant's age. He further opined that the pelvic floor dysfunction was not related to the March 10, 2021 work injury and his other opinions expressed in his October 3, 2023 report were unchanged.

By notice dated December 20, 2023, OWCP advised appellant that it proposed to terminate her wage-loss compensation and medical benefits based on Dr. Koullisis' 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.

OWCP subsequently received additional medical evidence.

In a May 25, 2023 note, Dr. Leslie Evans, an obstetrician/gynecologist, reported that appellant has chronic pelvic pain and dyspareunia. She noted that appellant had reported that her symptoms have been continuous since a lifting-related injury two years ago.

In a January 15, 2024 report, Dr. Timmons continued to diagnose lumbar spondylosis, left hip pain, sacroiliac dysfunction, lumbar degenerative disc disease and tear of left acetabular labrum. He increased appellant's prescription medication, noting that she did not require a lumbar injection. In a January 15, 2024 work note, Dr. Timmons held appellant off work indefinitely.

By decision dated March 12, 2024, OWCP terminated appellant's wage-loss compensation and medical benefits, effective that date. It found that Dr. Koullisis' opinion constituted the weight of the medical opinion evidence, establishing that appellant no longer had disability or residuals causally related to the accepted March 10, 2021 employment injury.

In a March 15, 2024 attending physician's report (Form CA-20), Dr. Timmons diagnosed lumbar DDD, left hip pain, lumbar spondylosis and sacroiliac dysfunction and opined, with a checkmark yes, that the conditions were caused or aggravated by the March 10, 2021 employment injury of picking up a heavy package. He further opined that she was totally disabled from work as of March 10, 2021. In a CA-17 of even date, Dr. Timmons diagnosed sprain of sacroiliac joint pain and strain low back pain which he opined was due to the March 10, 2021 employment injury. He also opined that appellant was totally disabled from work.

OWCP also received nurse practitioners' reports.

On November 6, 2024 appellant, through her representative, requested reconsideration of OWCP's March 12, 2024 decision.

In a November 4, 2024 report, Dr. Timmons noted the history of the March 10, 2021 employment injury and summarized appellant's medical course. He opined that she sustained a labral tear of the left hip as well as sacral iliac dysfunction, noting that her presentation was multifactorial with elements of pain emanating posteriorly, from the last five lumbar segments and S1 joints, as well as anteriorly, from referred pain from the hip joint, which was seen on the MRI's of the low back and left hip. Dr. Timmons explained that appellant's back and hip pain often overlap, noting that the intra-articular hip injection had temporarily relieved her pain. He opined that she continued to experience pain secondary to her employment injury, noting that low back hip and S1 joint pain often have the same presentation and that the strain of the muscle fascia tendon of the lower back was demonstrated on the back and left hip MRIs and was consistent with her physical examination. Dr. Timmons related that the partial tear of the labrum of the left continued to be a pain generator and requested that the case be expanded to include her hip related conditions. He further opined that appellant was unable to perform her full duties as a rural carrier, but she was able to work some sedentary duties. Dr. Timmons indicated that appellant's condition had stabilized and recommended that an orthopedic surgeon evaluate appellant's hip and perform a functional capacity evaluation (FCE).

By decision dated November 15, 2024, OWCP denied modification of its March 12, 2024 decision. It indicated that it only reviewed a January 15, 2024 report and work release form from Dr. Timmons, a May 25, 2023 medical note from Dr. Evans, and a Form CA-17 and Form CA-20, both dated March 15, 2024, from Dr. Timmons.

LEGAL PRECEDENT -- ISSUE 1

Once OWCP accepts a claim, it has the burden of proof to justify termination or modification of an employee's entitlement to benefits.⁴ The right to medical benefits for an accepted condition is not limited to the period of entitlement for disability compensation.⁵ To terminate entitlement to medical benefits, OWCP must establish that appellant no longer has residuals of an employment-related condition which require further medical treatment.⁶

ANALYSIS -- ISSUE 1

The Board finds that OWCP has met its burden of proof to terminate appellant's wage-loss compensation and medical benefits, effective March 12, 2024, as she no longer had disability or residuals causally related to her accepted March 10, 2021 employment injury.

OWCP accepted appellant's claim for strain of muscle, fascia and tendon of lower back and strain of left sacroiliac joint. In his October 3, 2023 report, Dr. Koulisis, OWCP's second

⁴ See *I.S.*, Docket No. 25-0093 (issued March 14, 2025); *R.P.*, Docket No. 17-1133 (issued January 18, 2018); *S.F.*, 59 ECAB 642 (2008); *Kelly Y. Simpson*, 57 ECAB 197 (2005); *Paul L. Stewart*, 54 ECAB 824 (2003).

⁵ *A.G.*, Docket No. 19-0220 (issued August 1, 2019); *A.P.*, Docket No. 08-1822 (issued August 5, 2009); *T.P.*, 58 ECAB 524 (2007); *Kathryn E. Demarsh*, 56 ECAB 677 (2005); *Furman G. Peake*, 41 ECAB 361, 364 (1990).

⁶ See *I.S.*, *id.*; *A.G.*, *id.*; *James F. Weikel*, 54 ECAB 660 (2003); *Pamela K. Guesford*, 53 ECAB 727 (2002); *Furman G. Peake*, *id.*

opinion physician, noted his review of the SOAF and appellant's medical record, and opined that the accepted conditions of strain of lower back and strain of left sacroiliac had fully resolved with no need for further treatment. He explained that appellant had a normal examination of the spine and a normal neurological examination of the lumbar spine and lower extremities. Dr. Koullisis found that the objective findings of the physical examination did not correlate with appellant's subjective complaints. He noted that while she had significant pain behaviors, she was neurologically intact with negative tension signs. Moreover, despite being tender to light touch and having a 5/5 Waddell's sign, appellant had no palpable spasm in the lumbar spine or sacroiliac examination. Dr. Koullisis further opined that appellant could return full-time to her date of injury position without restrictions. In his December 4, 2023 addendum report, he opined that the pelvic floor dysfunction was not related to the March 10, 2021 employment injury, noting that the partial thickness left anterior labral tear was not clinically significant and those findings were normal and clinically not consequential to an individual of appellant's age.

Dr. Koullisis based his opinion on a proper factual and medical history and detailed findings on examination.⁷ He further provided a well-rationalized opinion that appellant's strain of lower back and strain of left sacroiliac had fully resolved with no need for further treatment, explaining that findings on physical and neurological examination did not correlate with appellant's subjective complaints, pain behaviors, or her Waddell's sign.⁸ Accordingly, the Board finds that Dr. Koullisis' opinion represents the weight of the medical evidence.⁹

OWCP subsequently received a May 23, 2023 note from Dr. Evans and January 15, 2024 report and work note from Dr. Timmons. Dr. Evans reported that appellant has chronic pelvic pain and dyspareunia. Dr. Timmons continued to diagnose lumbar spondylosis, left hip pain, sacroiliac dysfunction, lumbar DDD and tear of left acetabular labrum and held appellant off work indefinitely. Neither physician, however, provided a rationalized medical opinion which explained how and why appellant's conditions or disability was causally related to the March 10, 2021 employment injury.¹⁰ Therefore, this evidence is insufficient to overcome the weight of the medical evidence accorded to Dr. Koullisis, or to create a conflict in the medical opinion evidence as to whether appellant had continuing work-related disability or residuals.¹¹

As the medical evidence of record establishes that appellant no longer had disability or residuals causally related to the accepted March 10, 2021 employment injury, the Board finds that OWCP met its burden of proof.

⁷ See *M.R.*, Docket No. 23-1052 (issued March 5, 2024); *S.V.*, Docket No. 23-0474 (issued August 1, 2023); *J.S.*, Docket No. 20-1409 (issued September 1, 2021).

⁸ *J.P.*, Docket No. 23-0075 (issued March 26, 2023); *J.S.*, *id.*

⁹ *H.J.*, Docket No. 24-0879 (issued October 29, 2024); *M.H.*, Docket No. 24-0470 (issued July 25, 2024); *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).

¹⁰ See *S.C.*, Docket No. 21-0929 (issued April 28, 2023); *T.L.*, Docket No. 18-0778 (issued January 22, 2020); *Y.S.*, Docket No. 18-0366 (issued January 22, 2020); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

¹¹ *D.G.*, Docket No. 25-0024 (issued February 26, 2025); *D.L.*, Docket No. 22-0161 (issued March 10, 2023).

LEGAL PRECEDENT -- ISSUE 2

Once OWCP properly terminates a claimant's wage-loss compensation and medical benefits, the burden shifts to appellant to establish continuing disability and/or residuals on or after that date, causally related to the accepted injury.¹² To establish causal relationship, an employee must submit rationalized medical evidence based on a complete medical and factual background, supporting such causal relationship.¹³

ANALYSIS -- ISSUE 2

The Board finds that this case is not in posture for decision with regard to whether appellant has met her burden of proof to establish continuing disability and/or residuals, on or after March 12, 2024, causally related to the accepted employment injury.

In the case of *William A. Couch*,¹⁴ 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.

It is crucial that OWCP consider and address all evidence received prior to the issuance of its final decision, as the Board's decisions are final with regard to the subject matter appealed.¹⁵ OWCP, in its November 15, 2024 decision, did not consider Dr. Timmons' November 4, 2024 report, in which he opined that appellant continued to have residuals of her lower back strain. Dr. Timmons also opined that the acceptance of the claim should be expanded to include labral tear of the left hip and sacral iliac dysfunction and that she could work some sedentary duties. On remand, OWCP shall consider and address all evidence of record.¹⁶ Following any further development as deemed necessary, it shall issue a *de novo* decision regarding whether appellant has met her burden of proof to establish continuing disability and/or residuals, on or after March 12, 2024, causally related to the accepted employment injury.

¹² *I.S.*, Docket No. 25-0093 (issued March 14, 2025); *S.G.*, Docket No. 23-0652 (issued October 11, 2023); *V.W.*, Docket No. 20-0693 (issued June 2, 2021); *D.G.*, Docket No. 19-1259 (issued January 29, 2020); *S.M.*, Docket No. 18-0673 (issued January 25, 2019); *J.R.*, Docket No. 17-1352 (issued August 13, 2018); *Manuel Gill*, 52 ECAB 282 (2001).

¹³ *Id.*

¹⁴ 41 ECAB 548 (1990); *see also G.T.*, Docket No. 19-1619 (issued May 22, 2020); *R.D.*, Docket No. 17-1818 (issued April 3, 2018).

¹⁵ *See G.B.*, Docket No. 23-0686 (issued December 17, 2024); *C.S.*, Docket No. 18-1760 (issued November 25, 2019); *Yvette N. Davis*, 55 ECAB 475 (2004); *Order Remanding Case, W.H.*, Docket No. 19-0346 (issued November 26, 2019); *Order Remanding Case, K.K.*, Docket No. 15-1662 (issued December 2, 2015); *see also William A. Couch, id.*

¹⁶ *See supra* note 5. While OWCP had developed the evidence by asking Dr. Koulisis whether appellant had suffered pelvic floor dysfunction causally related to the March 10, 2023 employment injury, OWCP had not rendered a decision as to whether the acceptance of the claim should include pelvic floor dysfunction and/or an acetabular labrum tear as causally related or consequential to the March 10, 2021 employment injury.

CONCLUSION

The Board finds that OWCP has met its burden of proof to terminate appellant's wage-loss compensation and medical benefits, effective March 12, 2024, as she no longer had disability or residuals causally related to her accepted March 10, 2021 employment injury. The Board further finds that the case is not in posture for decision with regard to whether appellant has met her burden of proof to establish continuing disability and/or residuals, on or after March 12, 2024, causally related to the accepted employment injury.

ORDER

IT IS HEREBY ORDERED THAT the November 15, 2024 decision of the Office of Workers' Compensation Programs is affirmed in part and set aside in part. The case is remanded for further proceedings consistent with this decision of the Board.

Issued: June 5, 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