

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

A.B., Appellant)
and) Docket No. 25-0504
DEPARTMENT OF VETERANS AFFAIRS,) Issued: June 20, 2025
SALEM VA MEDICAL CENTER, Salem, VA,)
Employer)

)

Appearances:

*Daniel M. Goodkin, Esq., 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 April 24, 2025 appellant, through counsel, filed a timely appeal from October 28 and October 29, 2024 merit decisions 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.

ISSUES

The issues are: (1) whether appellant has met her burden of proof to establish disability from work, commencing March 10, 2023 through September 12, 2024, causally related to her

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.*

accepted March 1, 2023 employment injury; (2) whether OWCP met its burden of proof to terminate appellant's medical benefits, effective September 13, 2024, as she no longer had residuals causally related to her March 1, 2023 employment injury; and (3) whether appellant met her burden of proof to establish continuing residuals on or after September 13, 2024, causally related to her March 1, 2023 employment injury.

FACTUAL HISTORY

On March 15, 2023 appellant, then a 51-year-old housekeeper, filed a traumatic injury claim (Form CA-1) alleging that on March 1, 2023 she experienced swelling of the skin, topical burns, shortness of breath, an allergic reaction in both eyes, stomachaches, sore throat, headaches, nausea, vomiting, anxiety, high blood pressure, and loss of consciousness when she was exposed to a strong odor emanating from a bucket that contained an industrial strength cleaner, liquid acid, and bleach while in the performance of duty. She stopped work on March 1, 2023.

Appellant submitted a March 6, 2023 note from Dr. Sarah Driscoll, an optometrist. Dr. Driscoll indicated that appellant had punctate keratitis and allergic conjunctivitis in both eyes. She advised that appellant was unable to return to work until her follow-up evaluation on March 10, 2023.

In a development letter dated March 24, 2023, OWCP advised appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence required and provided a questionnaire for her completion. OWCP afforded appellant 60 days to respond.

In a March 31, 2023 response, appellant related that she was exposed to a premixed chemical solution. She related that she did not know what was premixed with the chemical solution. In a further response dated April 17, 2023, appellant recounted her exposure to hazardous chemicals which caused her adverse reaction and subsequent medical treatment.

In a March 31, 2023 attending physician's report (Form CA-20), Dr. Driscoll related that appellant had sustained chemical irritation of both corneas on March 1, 2023, leading to allergic conjunctivitis and punctate keratitis. She also related that appellant was disabled from work during the period March 6 to 10, 2023.

By decision dated May 1, 2023, OWCP denied appellant's claim, finding that the evidence of record was insufficient to establish that the claimed incident occurred, as alleged. It concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

By decision dated May 23, 2023, OWCP vacated the May 1, 2023 decision, finding that it had allowed appellant 60 days to submit evidence in response to its March 24, 2023 development letter, but did not allow her the full 60 days to submit the requested evidence in accordance with 20 C.F.R. § 10.121. Thus, it found that its May 1, 2023 decision was issued in error.

In a follow-up letter dated June 26, 2023, OWCP advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish her claim. It noted that she had 30 days from the date of this letter to submit the necessary evidence. OWCP further advised

that if the evidence was not received during this time, it would issue a decision based on the evidence contained in the record. No additional evidence was received.

By decision dated July 26, 2023, OWCP again denied appellant's claim, finding that the evidence of record was insufficient to establish that the claimed incident occurred, as alleged. It concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

On August 3, 2023, appellant, through counsel, requested reconsideration of the July 26, 2023 decision.

By decision dated October 10, 2023, OWCP vacated the July 26, 2023 decision, finding that the evidence of record was sufficient to establish that the March 1, 2023 employment incident occurred, as alleged. It also found that the medical evidence of record was sufficient to establish that appellant sustained allergic conjunctivitis and punctate keratitis causally related to the accepted employment incident. By separate decision also dated October 10, 2023, it formally accepted her claim for chronic allergic conjunctivitis and bilateral punctate keratitis.

In a report of work status (Form CA-3), the employing establishment indicated that appellant had stopped work on March 1, 2023 and returned to full duty without restrictions on March 10, 2023. It noted that she was released to return to full-duty status without restrictions on March 10, 2023. Appellant was also discharged by Dr. Driscoll from medical treatment for her eye conditions on March 16, 2023.

OWCP subsequently received a report dated October 20, 2023, wherein Dr. Joseph W. Iskandar, an attending osteopathic Board-certified psychiatrist and neurologist, indicated that appellant was currently struggling with anxiety disorder that was exacerbated by a workplace incident. Dr. Iskandar advised that her high anxiety prevented her from returning to work. He further explained that appellant's high level of anxiety had been affecting all aspects of her day-to-day life, and it was difficult for her to manage and function at her baseline level.

In a letter dated December 1, 2023, appellant, through counsel, requested that the acceptance of her claim be expanded to include anxiety disorder. In support thereof, appellant submitted a November 16, 2023 report, wherein Dr. Iskandar opined that appellant's struggle with her previously diagnosed anxiety disorder was exacerbated by the March 1, 2023 employment injury. He noted that she experienced a panic attack thinking about going back to work and, thus, she was unable to return to work.

In a January 9, 2024 report, Dr. Iskandar again noted that appellant continued to struggle with high anxiety. Appellant was in therapy and her medications had been adjusted again. Dr. Iskandar advised that appellant was to remain off work until April 12, 2024 pending reevaluation on April 11, 2024.

On January 10, 2024, OWCP referred appellant, a statement of accepted facts (SOAF), the medical record, and a series of questions to Dr. Vincent A. Izediuno, a Board-certified psychiatrist and neurologist, for a second opinion evaluation to determine whether appellant's preexisting anxiety disorder was aggravated by the accepted March 1, 2023 employment injury.

In a February 11, 2024 report, Dr. Izediuno noted his review of the SOAF and appellant's evaluation findings. He opined that the March 1, 2023 employment injury temporarily aggravated appellant's preexisting generalized anxiety condition. Dr. Izediuno further opined that appellant's physical issues from her work-related injury had resolved and he explained that she did not exhibit any symptoms related to the work-related injury such as distress, persistent daydreaming, reliving of the work-related injury, nightmares, or any other form of sleep disorder. He found that she was capable of performing her date-of-injury position. Dr. Izediuno recommended a treatment plan to accurately predict appellant's long-term outcome.

On February 14, 2024, OWCP requested that Dr. Izediuno clarify the duration of the work-related temporary aggravation of appellant's generalized anxiety disorder.

OWCP subsequently received additional medical evidence from Dr. Iskandar. In an April 11, 2024 report, Dr. Iskandar continued to note appellant's ongoing struggle with high anxiety and participation in therapy. He advised that she was to remain off work until July 12, 2024, pending reevaluation on July 11, 2024.

In a supplemental report dated April 12, 2024, Dr. Izediuno related that it was difficult to provide a timeline with specific dates as to when appellant's symptoms returned to the baseline level of anxiety. He explained that he did not have access to her old records documenting her mental status with each of her visits with her clinician. Dr. Izediuno noted that this typically provided an objective rather than a subjective assessment. However, during his assessment of appellant, he indicated that subjective symptoms reported, and an objective assessment did not show any symptoms of anxiety that were directly related to the work-related incident. Dr. Izediuno further noted that appellant was dramatic and focused on not being ready to go back to work.

OWCP continued to receive medical evidence from Dr. Iskandar. In progress notes dated March 9, April 6, July 6, and October 2, 2023 and January 8, March 15, and April 11, 2024, Dr. Iskandar diagnosed diffuse traumatic brain injury with loss of consciousness of unspecified duration, sequela; major depressive disorder, recurrent, moderate; anxiety disorder, unspecified; and insomnia, unspecified. He advised that appellant was not ready to return to work due to her high anxiety and depression.

On May 10, 2024, OWCP requested that Dr. Izediuno review the additional medical evidence dated December 29, 2020 through April 11, 2024, and again provide a supplemental report specifying the duration of the work-related temporary aggravation of appellant's generalized anxiety disorder.

In a supplemental report dated July 2, 2024, Dr. Izediuno noted his review of the additional medical evidence and advised that these records did not provide any further insight as there were no detailed psychiatric evaluations with mental status evaluation. He advised that there were no changes to his previous assessment.

Thereafter, OWCP received a July 11, 2024 report, wherein Dr. Iskandar, again noted appellant's ongoing struggle with high anxiety. Dr. Iskandar advised that appellant was to remain off work until her next evaluation on October 10, 2024.

By decision July 24, 2024, OWCP formally expanded the acceptance of appellant's claim to include generalized anxiety disorder, resolved.

On August 13, 2024, appellant filed a claim for compensation (Form CA-7) for disability from work for the period March 1, 2023 through August 13, 2024.

In a development letter dated August 13, 2024, OWCP informed appellant of the deficiencies of her disability claim. It advised her of the type of medical evidence needed and afforded her 30 days to respond. No additional evidence was received.

By decision dated September 13, 2024, OWCP denied appellant's claim for disability from work for the period March 1, 2023 through August 13, 2024, causally related to the accepted March 1, 2023 employment injury. It accorded the weight of the medical evidence to Dr. Izediuno's second opinion reports.

By separate decision also dated September 13, 2024, OWCP terminated appellant's medical benefits, effective that date. It found that Dr. Izediuno's opinion constituted the weight of the medical opinion evidence and established that appellant no longer had residuals causally related to her accepted March 1, 2023 employment injury.

Thereafter, OWCP continued to receive reports from Dr. Iskandar. In a September 6, 2024 report, Dr. Iskandar again opined that appellant's March 1, 2023 employment injury exacerbated her accepted condition of anxiety disorder. He noted that the thought of returning to work put her into a panic and feeling helpless. Dr. Iskandar concluded that appellant was not currently fit to return to work.

On October 16, 2024, appellant, through counsel, requested reconsideration of the September 13, 2024 decisions. In support thereof, counsel submitted a September 23, 2024 report, wherein Dr. Iskandar, noted his review of Dr. Izediuno's reports. He related that second opinion physician Dr. Izediuno minimized the effect of the March 1, 2023 employment injury. Dr. Iskandar maintained that appellant was triggered by this incident, which led to a worsening of her anxiety and depression symptoms to a severe level. He noted that her previous mental health baseline before the work injury was much more manageable with medication and therapy. Dr. Iskandar advised that appellant was not fit to return to work due to the severity of her symptoms.

By decision dated October 28, 2024, OWCP denied modification of the September 13, 2024 decision which terminated appellant's medical benefits.

By decision dated October 29, 2024, OWCP modified in part and affirmed in part the September 13, 2024 disability decision. It authorized the payment of compensation for the period March 1 through 9, 2023, finding that Dr. Driscoll's March 6, 2023 note was sufficient to establish that appellant was totally disabled from work for the period March 1 through 9, 2023, causally related to the accepted employment injury.³ However, OWCP denied the remaining

³ In its October 29, 2024 decision, OWCP noted that appellant's August 13, 2024 Form CA-7 indicated that she was paid continuation of pay for the period March 1 through 9, 2023. Therefore, it found that she was not entitled to additional compensation for that same period.

claimed disability during the period March 10, 2023 through August 13, 2024, finding that the medical evidence submitted was insufficient to overcome the weight accorded to second opinion physician Dr. Izediuno with regard to appellant's claimed employment-related disability during the remaining period.

LEGAL PRECEDENT -- ISSUE 1

An employee seeking benefits under FECA⁴ has the burden of proof to establish the essential elements of his or her claim,⁵ including that any disability or specific condition for which compensation is claimed is causally related to the employment injury.⁶ 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.⁷ 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 probative and reliable medical opinion evidence.⁸

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 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.⁹

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.¹⁰

ANALYSIS -- ISSUE 1

The Board finds that this case is not in posture for decision.

In reports dated February 11, April 12, and July 2, 2024, Dr. Izediuno, OWCP's second opinion physician, diagnosed temporary aggravation of generalized anxiety disorder. He opined

⁴ *Id.*

⁵ See *L.S.*, Docket No. 18-0264 (issued January 28, 2020); *B.O.*, Docket No. 19-0392 (issued July 12, 2019).

⁶ See *S.F.*, Docket No. 20-0347 (issued March 31, 2023); *D.S.*, Docket No. 20-0638 (issued November 17, 2020); *F.H.*, Docket No. 18-0160 (issued August 23, 2019); *C.R.*, Docket No. 18-1805 (issued May 10, 2019); *Kathryn Haggerty*, 45 ECAB 383 (1994); *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁷ *T.W.*, Docket No. 19-1286 (issued January 13, 2020).

⁸ *S.G.*, Docket No. 18-1076 (issued April 11, 2019); *Fereidoon Kharabi*, 52 ECAB 291-92 (2001).

⁹ See *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).

¹⁰ See *M.J.*, Docket No. 19-1287 (issued January 13, 2020); *William A. Archer*, 55 ECAB 674 (2004); *Fereidoon Kharabi*, *supra* note 8.

that appellant could perform her date-of-injury position as a housekeeper. Dr. Izediuno, however, was not asked to address the specific claimed period of disability.¹¹

It is well established that proceedings under FECA are not adversarial in nature, nor is OWCP a disinterested arbiter. While the claimant has the burden of proof to establish entitlement to compensation, OWCP shares the responsibility in the development of the evidence to see that justice is done.¹² Once it undertakes development of the record, it must do a complete job in procuring medical evidence that will resolve the relevant issues in the case.¹³

On remand, OWCP shall request a supplemental opinion from Dr. Izediuno clarifying whether appellant was disabled from work commencing March 10, 2023, causally related to the accepted March 1, 2023 employment injury.¹⁴ Following this and other such further development as deemed necessary, it shall issue a *de novo* decision.

LEGAL PRECEDENT -- ISSUE 2

The right to medical benefits for an accepted condition is not limited to the period of entitlement for disability.¹⁵ 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.¹⁶

ANALYSIS -- ISSUE 2

The Board finds that OWCP met its burden of proof to terminate appellant's medical benefits, effective September 13, 2024, as she no longer had residuals causally related to her accepted March 1, 2023 employment injury.

OWCP based its decision to terminate appellant's medical benefits on the opinion of Dr. Izediuno, OWCP's second opinion physician. In his February 11, 2024 report, Dr. Izediuno opined that appellant's March 1, 2023 employment injury temporarily aggravated her preexisting generalized anxiety condition. He further opined that appellant's physical issues from her work-related injury had resolved, explaining that she did not exhibit any symptoms related to the work-related injury such as distress, persistent daydreaming, reliving of the work-related injury,

¹¹ *C.R.*, Docket No. 25-0245 (issued April 3, 2025); *J.V.*, Docket No. 24-0621 (issued September 19, 2024); *D.F.*, Docket No. 25-0111 (issued December 17, 2024); *J.A.*, Docket No. 24-0889 (issued December 11, 2024); *M.R.*, Docket No. 24-0562 (issued September 26, 2024).

¹² See *M.S.*, Docket No. 23-1125 (issued June 10, 2024); *E.B.*, Docket No. 22-1384 (issued January 24, 2024); *J.R.*, Docket No. 19-1321 (issued February 7, 2020); *S.S.*, Docket No. 18-0397 (issued January 15, 2019).

¹³ *Id.*; see also *R.M.*, Docket No. 16-0147 (issued June 17, 2016).

¹⁴ See *M.S.* and *E.B.*, *supra* note 12; *S.G.*, Docket No. 22-0014 (issued November 3, 2022); *G.T.*, Docket No. 21-0170 (issued September 29, 2021); *P.S.*, Docket No. 17-0802 (issued August 18, 2017).

¹⁵ *F.B.*, Docket No. 25-0332 (issued April 24, 2025); *E.J.*, Docket No. 20-0013 (issued November 19, 2020); *L.W.*, Docket No. 18-1372 (issued February 27, 2019).

¹⁶ *F.B.*, *id.*; *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).

nightmares, or any other form of sleep disorder. In a supplemental report dated April 12, 2024, Dr. Izediuno related that it was difficult to provide a timeline with specific dates as to when appellant's symptoms returned to the baseline level of anxiety; however, during his assessment of appellant, her reported subjective symptoms, and objective assessment did not show any symptoms of anxiety that were directly related to the work-related incident. The Board finds that OWCP properly determined that Dr. Izediuno's opinion constitutes the weight of the medical opinion evidence. He based his opinion on a proper factual and medical history and appellant's examination findings. Dr. Izediuno noted that during his examination of appellant she did not have subjective symptoms or objective residuals of her preexisting anxiety disorder which were related to her accepted employment injury. The Board finds that his opinion is sufficiently probative, rationalized, and based upon a proper factual background and it represents the weight of the medical evidence at the time of the September 13, 2024 termination decision.¹⁷ Accordingly, OWCP properly relied on his second opinion report in terminating appellant's medical benefits for the March 1, 2023 employment injury.

While Dr. Iskander's reports suggested that appellant continued to experience anxiety due to the accepted employment injury, he did not relate any evidence, such as a mental status evaluation, of objective findings that appellant continued to experience residuals of her accepted anxiety condition after September 13, 2024, which required further medical treatment. Dr. Iskander's reports were therefore insufficient to create a conflict with Dr. Izediumo.¹⁸ In so far as he recounted that appellant felt panic at the thought of returning to work, the Board has held that fear of future injury is not compensable.¹⁹

As the medical evidence of record is sufficient to establish that appellant no longer had residuals causally related to the accepted employment injury, the Board finds that OWCP met its burden of proof.

LEGAL PRECEDENT -- ISSUE 3

Once OWCP properly terminates medical benefits, the burden shifts to appellant to establish continuing residuals on or after that date causally related to the accepted injury.²⁰ To establish causal relationship between continuing residuals and the employment injury, an employee must submit rationalized medical evidence based on a complete medical and factual background supporting such causal relationship.²¹

¹⁷ *P.J.*, Docket No. 22-0905 (issued November 15, 2022).

¹⁸ *S.G.*, Docket No. 23-0652 (issued October 11, 2023).

¹⁹ *D.T.*, Docket No. 19-1064 (issued February 20, 2020); *J.O.*, Docket No. 19-1047 (issued November 13, 2019); *Paul A. Clarke*, 43 ECAB 940 (1992).

²⁰ *K.M.*, Docket No. 21-1351 (issued October 8, 2021); *S.M.*, Docket No. 18-0673 (issued January 25, 2019); *Manuel Gill*, 52 ECAB 282 (2001).

²¹ *Id.*

ANALYSIS -- ISSUE 3

The Board finds that appellant has not met her burden of proof to establish continuing residuals on or after September 13, 2024, causally related to her March 1, 2023 employment injury.

Following the termination of appellant's medical benefits on September 13, 2024, OWCP continued to receive reports from Dr. Iskandar. In a September 6, 2024 report, Dr. Iskandar opined that appellant's March 1, 2023 employment injury exacerbated her anxiety disorder. In a September 23, 2024 report, he related that Dr. Izediuno minimized the effect of the March 1, 2023 employment injury. Dr. Iskandar maintained that appellant was triggered by the employment incident, which led to a worsening of her anxiety and depression symptoms. He noted that her previous mental health baseline before the work injury was much more manageable with medication and therapy. The Board finds that Dr. Iskandar acknowledged that appellant was being treated for anxiety prior to the employment injury. Dr. Iskandar did not, however, offer any medical rationale, based on objective findings, that appellant required additional medical treatment, beyond the treatment she was receiving prior to the March 1, 2023 employment injury, after September 13, 2024.

As the medical evidence of record is insufficient to establish continuing work-related residuals on or after September 13, 2024, causally related to her accepted March 1, 2023 employment injury, the Board finds that appellant has not met her burden of proof.

CONCLUSION

The Board finds that the case is not in posture for decision with regard to whether appellant has met her burden of proof to establish disability from work commencing March 10, 2023, causally related to her accepted March 1, 2023 employment injury. The Board further finds that OWCP met its burden of proof to terminate appellant's medical benefits, effective September 13, 2024, as she no longer had residuals causally related to her accepted March 1, 2023 employment injury. The Board also finds that appellant has not met her burden of proof to establish continuing residuals on or after September 13, 2024, causally related to her March 1, 2023 employment injury.

ORDER

IT IS HEREBY ORDERED THAT the October 28, 2024 decision of the Office of Workers' Compensation Programs is affirmed. The October 29, 2024 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further proceedings consistent with this decision of the Board.

Issued: June 20, 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