

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

T.S., Appellant)	
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)	
and)	Docket No. 25-0533
)	Issued: June 16, 2025
U.S. POSTAL SERVICE, SORTING & DELIVERY CENTER, Kalamazoo, MI, Employer)	
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)	

Appearances:

Appellant, pro se

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 May 9, 2025 appellant filed a timely appeal from a March 26, 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 over the merits of this case.²

ISSUE

The issue is whether appellant has met her burden of proof to establish a medical condition causally related to the accepted December 5, 2024 employment incident.

¹ 5 U.S.C. § 8101 *et seq.*

² The Board notes that following the March 26, 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.*

FACTUAL HISTORY

On December 9, 2024 appellant, then a 49-year-old mail flow controller, filed a traumatic injury claim (Form CA-1) alleging that on December 5, 2024 she struck her head on concrete when she slipped on snow and ice while in the performance of duty. She stopped work on December 5, 2024.

In a December 11, 2024 report, Dr. Eric J. Houchin, Board-certified in family medicine, recounted appellant's history of a fall at work. He related that appellant reported back pain, headaches, and some visual issues since the incident. On physical examination he observed myofascial cervical, thoracic, lumbar and some left posterior occiput tenderness. Her neurological examination was positive for dizziness and headaches, and negative for weakness, tremors, and weakness. Dr. Houchin diagnosed post-concussive syndrome; traumatic brain injury without loss of consciousness; cervical, lumbar, and acute bilateral thoracic back pain; anxiety; and intractable acute post-traumatic headache.

In a disability note also dated December 11, 2024, Dr. Houchin requested that appellant be excused from work from December 6 through 26, 2024. He stated that she could return to work with restrictions on December 27, 2024.

An x-ray of appellant's cervical spine dated December 12, 2024 revealed arthritic disc changes at the C4-5 level. Thoracic spine x-rays of even date revealed findings of mild scoliosis of the thoracic spine. December 12, 2024 x-rays of appellant's lumbar spine revealed findings of arthritic disc changes at L4-5, and to a lesser extent at the remaining levels of the lumbar spine; curvature of the spine with convex to right; and sclerotic facet joint changes at L4-5 and L5-S1 on the right. A January 13, 2025 magnetic resonance imaging (MRI) scan of appellant's brain demonstrated no acute intracranial abnormality, with no evidence of traumatic brain injury, and C2-3 block vertebra.

In a disability note dated December 16, 2024, Dr. Houchin requested that appellant be excused from work through February 15, 2025.

In a development letter dated January 22, 2025, OWCP informed appellant that the evidence submitted was insufficient to establish her claim. It informed her of the type of factual and medical evidence required to establish her claim. OWCP afforded appellant 60 days to provide the requested evidence.

OWCP received speech pathology therapy notes dated December 23, 2024 containing a diagnosis of post-concussive syndrome, following a fall on ice at work on December 5, 2024.

In January 27, 2025 progress notes, Dr. Houchin reiterated findings from his December 11, 2024 report. OWCP also received a January 27, 2025 attending physician's report (Form CA-20), wherein Dr. Houchin released appellant to return to work with restrictions on February 19, 2025.

By decision dated March 26, 2025, OWCP accepted that the December 5, 2024 employment incident occurred, as alleged. However, it denied appellant's claim, finding that the medical evidence of record was insufficient to establish that the diagnosed conditions were causally related to the accepted December 5, 2024 employment incident. Consequently, OWCP found that she had not met the requirements to establish an injury as defined by FECA.

LEGAL PRECEDENT

An employee seeking benefits under FECA³ has the burden of proof to establish the essential elements of his or her claim, including that the individual is an employee of the United States within the meaning of FECA, that the claim was timely filed within the applicable time limitation of FECA,⁴ that an injury was sustained in the performance of duty as alleged, and that any disability or medical condition for which compensation is claimed is causally related to the employment injury.⁵ These are the essential elements of each and every compensation claim, regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁶

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it first must be determined whether fact of injury has been established. There are two components involved in establishing fact of injury. The first component is whether appellant actually experienced the employment incident at the time and place, and in the manner alleged. The second component is whether the employment incident caused an injury.⁷

The medical evidence required to establish causal relationship between a claimed specific condition and an employment incident is rationalized medical opinion evidence.⁸ The opinion of the physician must be based on a complete factual and medical background of the employee, must be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment incident identified by the claimant.⁹

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish a medical condition causally related to the accepted December 5, 2024 employment incident.

In a December 11, 2024 report, Dr. Houchin recounted history of a fall on December 5, 2024 and diagnosed post-concussive syndrome; traumatic brain injury without loss of consciousness; cervical, lumbar, and acute bilateral thoracic back pain; anxiety; and intractable acute post-traumatic headache. In progress notes noted January 27, 2025, he reiterated his

³ *Supra* note 1.

⁴ *S.J.*, Docket No. 25-0359 (issued April 15, 2025); *F.H.*, Docket No. 18-0869 (issued January 29, 2020); *J.P.*, Docket No. 19-0129 (issued April 26, 2019); *Joe D. Cameron*, 41 ECAB 153 (1989).

⁵ *S.J.*, *id.*; *L.C.*, Docket No. 19-1301 (issued January 29, 2020); *J.H.*, Docket No. 18-1637 (issued January 29, 2020); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

⁶ *S.J.*, *id.*; *P.A.*, Docket No. 18-0559 (issued January 29, 2020); *K.M.*, Docket No. 15-1660 (issued September 16, 2016); *Delores C. Ellyett*, 41 ECAB 992 (1990).

⁷ *S.J.*, *id.*; *T.H.*, Docket No. 19-0599 (issued January 28, 2020); *K.L.*, Docket No. 18-1029 (issued January 9, 2019); *John J. Caralone*, 41 ECAB 354 (1989).

⁸ *S.J.*, *id.*; *S.S.*, Docket No. 19-0688 (issued January 24, 2020); *A.M.*, Docket No. 18-1748 (issued April 24, 2019); *Robert G. Morris*, 48 ECAB 238 (1996).

⁹ *R.H.*, Docket No. 25-0188 (issued January 31, 2025); *A.S.*, Docket No. 19-1955 (issued April 19, 2020); *Leslie C. Moore*, 52 ECAB 132 (2000).

findings. However, Dr. Houchin did not offer an opinion as to whether appellant's diagnosed conditions were causally related to the accepted employment incident. The Board has held that medical evidence that does not offer an opinion regarding the cause of an employee's condition is of no probative value on the issue of causal relationship.¹⁰ Accordingly, this evidence is insufficient to establish appellant's claim.

In disability notes dated December 11 and 16, 2024, Dr. Houchin requested that appellant be excused from work. He, in a January 27, 2025 Form CA-20, advised that appellant could return to work with restrictions on February 19, 2025. Dr. Houchin did not, however, provide an opinion on causation. The Board has held that medical evidence that does not offer an opinion regarding the cause of an employee's condition is of no probative value on the issue of causal relationship.¹¹ Therefore, this evidence is insufficient to establish the claim.

Appellant also submitted speech pathology therapy notes dated December 23, 2024. However, certain health care providers such as speech therapists are not considered physicians as defined under FECA and their reports do not constitute competent medical evidence.¹² Consequently, these medical findings or opinions are insufficient to establish the claim.

The record also contains x-rays of appellant's cervical, thoracic, and lumbar spine; and an MRI scan of her brain. The Board has held that diagnostic tests, standing alone, lack probative value on the issue of causal relationship as they do not address the relationship between the accepted employment factors, and a diagnosed condition.¹³

As the medical evidence of record is insufficient to establish causal relationship between a medical condition and the accepted December 5, 2024 employment incident, 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(a) 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 a medical condition causally related to the accepted December 5, 2024 employment incident.

¹⁰ *C.M.*, Docket No. 25-0408 (issued April 16, 2025); *G.M.*, Docket No. 24-0388 (issued May 28, 2024); *L.B.*, Docket No. 19-1907 (issued August 14, 2020); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

¹¹ *Id.*

¹² Section 8101(2) of FECA provides as follows: the term physician includes surgeons, podiatrists, dentists, clinical psychologists, optometrists, chiropractors and osteopathic practitioners within the scope of their practice as defined by State law. 5 U.S.C. § 8101(2); 20 C.F.R. § 10.5(t). See Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.805.3a(1) (May 2023); *David P. Sawchuk*, 57 ECAB 316, 320 n.11 (2006) (lay individuals such as nurses, physician assistants, and physical therapists are not competent to render a medical opinion under FECA); *R.R.*, Docket No. 08-1122 (issued January 2, 2009) (speech therapists are not physicians under FECA).

¹³ See *C.M.*, Docket No. 25-0408 (issued April 16, 2025); *W.M.*, Docket No. 19-1853 (issued May 13, 2020); *L.F.*, Docket No. 19-1905 (issued April 10, 2020).

ORDER

IT IS HEREBY ORDERED THAT the March 26, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: June 16, 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