

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

A.P., Appellant)
and) Docket No. 25-0719
U.S. POSTAL SERVICE, UPPER MARLBORO)
POST OFFICE, Upper Marlboro, MD, Employer)
Issued: November 17, 2025

Appearances:

Appellant, pro se

Office of Solicitor, for the Director

Case Submitted on the Record

ORDER REMANDING CASE

Before:

ALEC J. KOROMILAS, Chief Judge
PATRICIA H. FITZGERALD, Deputy Chief Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

On July 23, 2025 appellant filed a timely appeal from a June 3, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP).¹ The Clerk of the Appellate Boards docketed the appeal as No. 25-0719.

On April 24, 2023 appellant, then a 43-year-old city carrier, filed a traumatic injury claim (Form CA-1) alleging that on April 20, 2023 she sustained a left foot and ankle injury when she twisted her ankle while in the performance of duty. She stopped work on April 24, 2023. By decision dated June 23, 2023, OWCP accepted the claim for sprain of unspecified ligament of left ankle, initial encounter and tarsal tunnel syndrome of left lower limb.

On June 28, 2024 the employing establishment offered appellant a light-duty job as a modified city carrier.

¹ The Board notes that, following the June 3, 2025 decision, appellant submitted additional evidence to OWCP. However, the Board's *Rules of Procedures* 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.*

On September 5, 2024 the employing establishment notified OWCP that no work was available within appellant's restrictions.

In a September 6, 2024 report, Dr. Eric Dawson, a Board-certified orthopedic surgeon, discussed appellant's ongoing treatment for left tibial tarsal tunnel syndrome and provided work restrictions. In a duty status report (Form CA-17) of even date, he reiterated a diagnosis of left tibial tarsal syndrome and provided additional work restrictions.

In a November 1, 2024 Form CA-17, Dr. Dawson reiterated work restrictions. In a report of even date, he noted that appellant complained of worsening symptoms in the left foot and ankle, which caused her to miss two days of work. Dr. Dawson opined that his examination findings were certainly consistent with her history of aggravations, exacerbations, and symptoms. He administered a nerve block injection and held appellant off work for the previous two days and released her to work the following day with restrictions.

In a November 7, 2024 disability certificate, Dr. Dawson reported that appellant was totally incapacitated from November 4 through 7, 2024 and could return to work on November 8, 2024.

In a November 20, 2024 report, Dr. Dawson reported that appellant presented for a left ankle injection due to complaints of pain, spasms, and stiffness. He noted that she had an incidental fall to the right knee but continued to work and also reported feeling pressured to work in excess of his prescribed work restrictions. Dr. Dawson reiterated that appellant must remain within the guidelines of her work restrictions. He further discussed examination findings, noting that she had damage that was largely confined to the posterior tibial nerve, along with positive direct compression and Tinel's testing. Dr. Dawson diagnosed significant tibial tarsal tunnel syndrome on the left side.

In reports dated December 18, 2024 through February 21, 2025, Dr. Dawson documented treatment for appellant's left tibial tarsal syndrome condition.

On April 3, 2025 appellant filed a claim for compensation (Form CA-7) for disability from work for the period October 5 through 18, 2024. She continued to file CA-7 forms for additional periods of disability thereafter.

In an April 4, 2025 report, Dr. Dawson reported that appellant had been assigned a route requiring 11 hours standing outside of her work restrictions where weightbearing was contraindicated due to her left tibial tarsal tunnel syndrome. He recommended that she maintain conservative restrictions that included avoiding weight bearing, pushing, pulling, lifting, bending, twisting, and stooping.

In a letter dated April 8, 2025, OWCP notified the employing establishment that appellant had filed a series of CA-7 forms claiming compensation for the period October 5, 2024 through February 7, 2025 and requested it provide further information regarding whether there was work available that fit work restrictions for the period claimed.

In statements received from the employing establishment on April 11, 2025, S.P., a customer service manager, and Q.D., an occupational health specialist asserted that work was available for appellant during the period October 5, 2024 through February 7, 2025.

In an undated statement received on April 11, 2025, appellant reported that the employing establishment was not abiding by her work restrictions of standing no more than two hours per day, as she was assigned to mail routes with cluster boxes containing over three and four hours of standing on each of the routes assigned. In support of her claim, appellant submitted additional CA-17 forms from Dr. Dawson dated November 20, 2024, and January 24, and April 4, 2025, as well as a Form CA-17 containing an illegible date.

In a statement dated April 17, 2025, appellant reported that in addition to standing for more than three or four hours when delivering mail on her routes at cluster boxes, she was also required to stand for approximately two hours per day when first arriving at work in order to case mail and sort packages for her mail route.

On April 24, 2025 OWCP communicated with two employing establishment supervisors and verified that appellant's work availability was based on the June 28, 2024 job offer.

In a statement received on April 24, 2025, appellant refuted the claims made by her supervisors and asserted that she was assigned routes and tasks that were outside of her work restrictions. In support of her claim, she submitted a March 29, 2025 employing establishment form report for the period February 21, 2024 through July 2, 2025 documenting her processed clock rings as well as Dr. Dawson's May 2 and 30, 2025 reports and May 30, 2025 Form CA-17.

By decision dated June 3, 2025, OWCP denied appellant's claim for disability from work during the period October 5, 2024 through February 7, 2025. It found that two CA-17 forms from Dr. Dawson, one dated January 24, 2025 and the other with an illegible date, and his May 2, 2025 visit notes were insufficient to establish disability from work during the claimed period causally related to the accepted April 20, 2023 employment injury.

The Board, having duly considered this matter, finds that the case is not in posture for decision.

In the case of *William A. Couch*,² the Board held that when adjudicating a claim OWCP is obligated to consider all evidence properly submitted by a claimant and received by OWCP before the final decision is issued. The June 3, 2025 decision, however, only mentions two CA-17 forms from Dr. Dawson, one dated January 24, 2025 and the other with an illegible date, and his May 2, 2025 visit notes. Additional medical reports and CA-17 forms from Dr. Dawson were not reviewed by OWCP in its June 3, 2025 merit decision. As such, it failed to follow its procedures by properly reviewing and discussing all of the evidence of record.³

As Board decisions are final with regard to the subject matter appealed, it is crucial that OWCP consider and address all relevant evidence received prior to the issuance of its final

² *William A. Couch*, 41 ECAB 548, 553 (1990); *see also Order Remanding Case, A.B.*, Docket No. 22-0179 (issued June 28, 2022); *Order Remanding Case, S.H.*, Docket No. 19-1582 issued May 26, 2020); *R.D.*, Docket No. 17-1818 (issued April 3, 2018).

³ OWCP's procedures provide that all evidence submitted should be reviewed and discussed in the decision. Evidence received following development that lacks probative value should also be acknowledged. Whenever possible, the evidence should be referenced by author and date. Federal (FECA) Procedure Manual, Part 2 -- Claims, *Initial Denials*, Chapter 2.1401.5b(2) (November 2012).

decision.⁴ On remand, OWCP shall review all evidence properly submitted by appellant. Following this and other such further development as deemed necessary, it shall issue a *de novo* decision. Accordingly,

IT IS HEREBY ORDERED THAT the June 3, 2025 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further proceedings consistent with this order of the Board.

Issued: November 17, 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

⁴ See *A.B.*, *supra* note 2; *C.S.*, Docket No. 18-1760 (issued November 25, 2019); *Yvette N. Davis*, 55 ECAB 475 (2004); see also *William A. Couch*, *supra* note 2.