

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

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<b>A.M., Appellant</b>	)	
<b>and</b>	)	<b>Docket No. 25-0788</b>
<b>U.S. POSTAL SERVICE, WESTCHESTER POST OFFICE, Los Angeles, CA, Employer</b>	)	<b>Issued: November 17, 2025</b>
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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

JANICE B. ASKIN, Judge

VALERIE D. EVANS-HARRELL, Alternate Judge

**JURISDICTION**

On August 15, 2025 appellant filed a timely appeal from a February 26, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act<sup>1</sup> (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.<sup>2</sup>

**ISSUE**

The issue is whether appellant has met her burden of proof to establish the remaining claimed period of disability from work commencing October 31, 2024, causally related to her accepted employment injury.

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<sup>1</sup> 5 U.S.C. § 8101 *et seq.*

<sup>2</sup> The Board notes that following the February 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 July 28, 2018 appellant, then a 46-year-old letter carrier, filed an occupational disease claim (Form CA-2) alleging that she developed fibromyalgia in her back, shoulders, and hips due to factors of her federal employment, including lifting and carrying over 10 pounds, and walking up and down stairs. She also described high anxiety, work pressure, and provided evidence regarding a March 13, 2017 incident during which she was falsely accused of striking a route customer who allegedly pushed her, and a subsequent employing establishment investigation. Appellant indicated that she first became aware of her condition and its relationship to federal employment on May 31, 2018. OWCP accepted the claim for post-traumatic stress disorder, acute; major depressive disorder, recurrent, moderate; and fibromyalgia, permanent aggravation. It paid appellant wage-loss compensation on the supplemental rolls for intermittent work absences for the period March 30, 2019 through December 19, 2024.

In July 2021, appellant accepted a full-time modified-duty position in the employing establishment's passport office.

On November 30, 2022 appellant accepted a permanent rehabilitation assignment as a customer care agent.

On November 20, 2024 appellant filed a series of claims for compensation (Form CA-7) for disability from work for the period October 31 through November 15, 2024.

In a development letter dated December 3, 2024, OWCP informed appellant of the deficiencies of her disability claim for the period October 31, 2024 and continuing. It advised her of the type of medical evidence needed and afforded her 30 days to respond.<sup>3</sup>

Thereafter, OWCP received a series of reports dated October 25 through December 5, 2024 by Elena Konstat, Ph.D., a licensed clinical psychologist, wherein she related that she had held appellant off work commencing October 31, 2024, and specifically on November 18, 19, December 2, 3, and 5, 2024 due to anxiety, depression, and an exacerbation of psychological symptoms.

In an October 31, 2024 report, Dr. Konstat recounted that appellant was absent from work on October 9 and 10, 2024 "as a result of work stress." Appellant felt intimidated by callers who were allegedly rude and made negative comments. Rather than react negatively to a customer, she took time off work. Appellant had an incident at work on October 22, 2024 when a customer allegedly "called her an idiot and was rude to her, calling her rude slurs, due to a package that was taking longer than expected or misplaced. The customer allegedly called appellant a derogatory name that included a racial slur "which triggered symptoms." Appellant was seen again for crisis intervention on October 25, 2024. She wanted to continue work despite Dr. Konstat's recommendations. Appellant diagnosed acute post-traumatic stress disorder, recurrent, moderate major depressive disorder, and permanent aggravation of fibromyalgia. She held appellant off work from October 31 through November 13, 2024.

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<sup>3</sup> On January 3, 2025, appellant filed additional CA-7 forms for intermittent disability from work for the period November 18, 2024 through January 10, 2025.

In a December 6, 2024 report, Dr. Konstat recounted appellant's history of injury and medical treatment. Appellant had been assigned a permanent modified position as a customer care agent commencing November 30, 2022. She experienced several incidents where customers cursed her or became aggressive over the telephone. Dr. Konstat diagnosed adjustment disorder with mixed anxiety, depressed mood, and fibromyalgia. She related that the October 22, 2024 incident when a customer used a racial epithet caused a flashback to a 2017 incident during which appellant's hand was struck by a white male while working. Dr. Konstat opined that occupational stress exacerbated and deteriorated appellant's condition such that she was totally disabled from work for the period October 31 through November 13, 2024.

OWCP also received work slips by Dr. Konstat dated December 18, 19, and 26, 2024, and January 13, 2025, holding appellant off work on those dates and for the period December 26, 2024 through January 13, 2025.

On January 21, 2025 OWCP paid appellant wage-loss compensation on the supplemental rolls for work absences due to medical appointments on December 5, 18, and 19, 2024.

By decision dated January 24, 2025, OWCP denied appellant's November 20, 2024 CA-7 forms claiming for disability from work commencing October 31, 2024. It found that the medical evidence of record was insufficient to establish that she was disabled from work for the remaining claimed period causally related to her accepted employment injury.

Thereafter, OWCP received a December 13, 2024 report by Dr. Konstat wherein she related that appellant had been written up that day at work for "failure to follow instructions." Appellant asserted that this was a retaliatory action. Dr. Konstat indicated that appellant was severely impaired.

In a December 18, 2024 report, Dr. Keyvan Yousefi, a Board-certified rheumatologist, recounted that appellant had been under mental stress due to interactions with hostile customers, with symptoms of increasing knee, shoulder, and back pain. On examination, he found tenderness to palpation of the paracervical and paravertebral musculature. Dr. Yousefi diagnosed fibromyalgia, and "[s]tressed out."

In a January 21, 2025 report, Dr. Konstat opined that the October 22, 2024 employment incident caused a temporary aggravation of post-traumatic stress disorder, with flashbacks, difficulty sleeping, and stress. She found appellant disabled from work for the period October 31, 2024 through January 31, 2025.

On February 19, 2025 appellant requested reconsideration. She asserted that stress from "dealing with angry customers" aggravated her fibromyalgia, thereby disabling her from work.

By decision dated February 26, 2025, OWCP denied modification.

## **LEGAL PRECEDENT**

An employee seeking benefits under FECA<sup>4</sup> has the burden of proof to establish the essential elements of his or her claim including that any disability or specific condition for which compensation is claimed is causally related to the employment injury.<sup>5</sup>

Under FECA the term “disability” means the incapacity, because of an employment injury, to earn the wages that the employee was receiving at the time of injury.<sup>6</sup> Disability is thus not synonymous with physical impairment, which may or may not result in an incapacity to earn wages.<sup>7</sup> An employee who has a physical impairment causally related to a federal employment injury, but who nevertheless has the capacity to earn the wages he or she was receiving at the time of injury, has no disability as that term is used in FECA.<sup>8</sup> When, however, the medical evidence establishes that the residuals or sequelae of an employment injury are such that, from a medical standpoint, they prevent the employee from continuing in his or her employment, he or she is entitled to compensation for loss of wages.<sup>9</sup>

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 the claimant, 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.<sup>10</sup>

For each period of disability claimed, the employee has the burden of proof to establish that he or she was disabled from work causally related to the accepted employment injury.<sup>11</sup> 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 their disability and entitlement to compensation.<sup>12</sup>

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<sup>4</sup> *Supra* note 1.

<sup>5</sup> *S.W.*, Docket No. 18-1529 (issued April 19, 2019); *J.F.*, Docket No. 09-1061 (issued November 17, 2009); *Kathryn Haggerty*, 45 ECAB 383 (1994); *Elaine Pendleton*, 40 ECAB 1143 (1989).

<sup>6</sup> 20 C.F.R. § 10.5(f).

<sup>7</sup> *See L.W.*, Docket No. 17-1685 (issued October 9, 2018).

<sup>8</sup> *See K.H.*, Docket No. 19-1635 (issued March 5, 2020).

<sup>9</sup> *See D.R.*, Docket No. 18-0323 (issued October 2, 2018).

<sup>10</sup> *S.J.*, Docket No. 17-0828 (issued December 20, 2017); *Kathryn E. DeMarsh*, 56 ECAB 677 (2005).

<sup>11</sup> *See C.W.*, Docket No. 25-0243 (issued July 17, 2025); *B.D.*, Docket No. 18-0426 (issued July 17, 2019); *Amelia S. Jefferson*, 57 ECAB 183 (2005); *Fereidoon Kharabi*, 52 ECAB 291, 293 (2001).

<sup>12</sup> *Id.*

## ANALYSIS

The Board finds that appellant has not met her burden of proof to establish the remaining claimed period of disability from work commencing October 31, 2024, causally related to her accepted employment injury.

OWCP received a series of work slips by Dr. Konstat holding appellant off work intermittently from October 31 through December 19, 2024, and for the period December 26, 2024 through January 13, 2025. None of these reports, however, contain an opinion regarding disability from work causally related to the accepted employment injury. The Board has held that a report that does not address whether the claimed disability is causally related to the accepted employment-related conditions is of no probative value.<sup>13</sup>

Dr. Konstat, in reports dated October 31, 2024, December 6, 2024, and January 21, 2025, opined that an October 22, 2024 employment incident wherein a customer was extremely rude to appellant and used an offensive racial epithet triggered her symptoms and caused a temporary aggravation of post-traumatic stress disorder. She found appellant disabled from work for the period October 31 through November 13, 2024. Additionally, in a December 13, 2024 report, Dr. Konstant related that appellant had reacted to being “written up” at work that day for failure to follow instructions. Dr. Konstat thus implicated a new employment injury due to work factors after May 31, 2018, in particular the alleged October 22, 2024 employment incident.<sup>14</sup> However, she did not provide an opinion on causal relationship between appellant’s claimed disability from work commencing October 31, 2024 and the accepted employment injury.<sup>15</sup> Therefore, Dr. Konstat’s reports are insufficient to establish appellant’s disability claim.<sup>16</sup>

Dr. Yousefi, in a December 18, 2024 report, related appellant’s stress due to interactions with hostile customers on unspecified dates. He diagnosed fibromyalgia, and “[s]tressed out.” However, Dr. Yousefi did not address the relevant issue of whether appellant was disabled from work commencing October 31, 2024. Evidence that does not address the specific dates of disability is of no probative value and insufficient to establish the claim.<sup>17</sup>

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<sup>13</sup> See *N.W.*, Docket No. 25-0270 (issued April 7, 2025); *M.T.*, Docket No. 24-0465 (issued September 27, 2024); *A.O.*, Docket No. 24-0382 (issued May 16, 2024); *F.S.*, Docket No. 23-0112 (issued April 26, 2023); *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

<sup>14</sup> The Board notes that there is no claim of record regarding an October 22, 2024 employment incident.

<sup>15</sup> See *supra* note 13.

<sup>16</sup> *Id.*

<sup>17</sup> See *M.M.*, Docket Nos. 21-0482 & 21-1051 (issued April 19, 2023); *G.J.*, Docket No. 22-0942 (issued January 10, 2023); *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

As the medical evidence of record is insufficient to establish the remainder of the claimed period of disability from work causally related to her accepted employment injury, the Board finds that appellant has not met her burden of proof.<sup>18</sup>

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 the remaining claimed period of disability from work commencing October 31, 2024, causally related to her accepted employment injury.

### **ORDER**

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

Issued: November 17, 2025  
Washington, DC

Alec J. Koromilas, Chief Judge  
Employees' Compensation Appeals Board

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

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

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<sup>18</sup> For a routine medical appointment, a maximum of four hours of compensation for time lost to obtain medical treatment is usually allowed. *See* Federal (FECA) Procedure Manual, Part 2 -- Claims, *Compensation Claims*, Chapter 2.901.19c (February 2013); *see also* G.C., Docket No. 25-0513 (issued July 7, 2025); K.A., Docket No. 19-0679 (issued April 6, 2020); *William A. Archer*, 55 ECAB 674 (2004).