

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

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<p><b>T.S., Appellant</b></p> <p>and</p> <p><b>U.S. POSTAL SERVICE, CITY OF INDUSTRY POST OFFICE, City of Industry, CA, Employer</b></p>	) ) ) ) ) ) ) )
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*Appearances:*  
*Appellant, pro se*  
*Office of Solicitor, for the Director*

*Case Submitted on the Record*

**Docket No. 25-0808  
Issued: November 18, 2025**

**DECISION AND ORDER**

Before:

ALEC J. KOROMILAS, Chief Judge  
PATRICIA H. FITZGERALD, Deputy Chief Judge  
JANICE B. ASKIN, Judge

**JURISDICTION**

On August 11, 2025 appellant filed a timely appeal from a June 17, 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.

**ISSUE**

The issue is whether appellant has met his burden of proof to establish a right hip condition causally related to the accepted factors of his federal employment.

**FACTUAL HISTORY**

On November 19, 2024 appellant, then a 59-year-old rural carrier, filed an occupational disease claim (Form CA-2) alleging that he developed a right hip condition due to factors of his federal employment, including walking, mounting and dismounting his postal vehicle, ascending

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

and descending stairs, walking on uneven terrain, and carrying heavy parcels.<sup>2</sup> He noted that he first became aware of his condition and first realized its relationship to his federal employment on February 22, 2023. Appellant did not initially stop work.

In a December 2, 2024 development letter, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence necessary to establish his claim and provided a questionnaire for his completion. OWCP afforded appellant 60 days to respond. By separate development letter of even date, it requested that the employing establishment provide additional information regarding appellant's occupational disease claim, including comments from a knowledgeable supervisor. OWCP afforded the employing establishment 30 days to respond. No evidence was received.

In a follow-up development letter dated December 31, 2024, OWCP advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish his claim. It noted that he had 60 days from the December 2, 2024 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.

OWCP thereafter received narrative medical reports dated July 23 and August 26, 2024 by Dr. Basimah Khulusi, a Board-certified physiatrist, who noted that appellant related complaints of right hip pain and had a history of working for the employing establishment for 30 years, including continuous standing and bending, delivering 150 parcels per day weighing up to 70 pounds, leaning into hampers, entering and exiting his postal vehicle leading with his right foot approximately 60 to 80 times per day, and walking up to 12 miles per day. Dr. Khulusi noted that he underwent a right hip replacement on December 6, 2023 and was off work until March 2024. She reviewed appellant's medical records and performed a physical examination, which revealed an antalgic gait. Dr. Khulusi diagnosed degeneration of the right hip joint, status post right hip replacement. She opined that appellant's right hip conditions were caused by his work duties, and explained that the standing, walking, lifting, and stepping in and out of his postal vehicle repetitively throughout the day placed increased stress and loading forces on the right hip joint, which resulted in repetitive spraining, straining, inflammation, and weakening of those structures.

In a December 30, 2024 response to OWCP's development questionnaire, appellant indicated that he developed pain in his right hip/groin in 2016. He did not receive relief from physical therapy, so he sought an orthopedic evaluation in 2023, was diagnosed with osteoarthritis, and underwent a right total hip replacement on December 6, 2023. Appellant indicated that his job duties included walking, going up and down stairs, walking on uneven terrain, and carrying heavy boxes. He also indicated that he performed each of these activities for three to four hours per day on a full-time basis for many years.

In a January 15, 2025 response to OWCP's development letter, the employing establishment indicated that appellant had a driving route and was not required to walk or climb stairs unless he had to deliver a parcel to a customer's doorstep, which could vary from day to day. It noted that it had implemented a buddy system for lifting any parcel labeled heavy, and that

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<sup>2</sup> OWCP assigned the present claim OWCP File No. xxxxxxx089. Appellant previously filed a traumatic injury claim (Form CA-1) under OWCP File No. xxxxxxx466, alleging that on November 22, 2023 he injured his right hip when he was shoved by a delivery driver while in the performance of duty.

appellant was not required to perform any physically exerting tasks or lift over 25 pounds on an occasional basis. The employing establishment also attached a job description for rural carrier.

By decision dated February 24, 2025, OWCP denied appellant's occupational disease claim, finding that the medical evidence of record was insufficient to establish that his diagnosed conditions were causally related to the accepted factors of his federal employment.

On June 3, 2025 appellant requested reconsideration. In support thereof, he submitted a May 21, 2025 narrative medical report by Dr. Khulusi, who diagnosed a permanent aggravation of right hip degeneration, status post right hip replacement. Dr. Khulusi noted that x-rays of appellant's right hip revealed a worsening of arthritis between February 2017 and March 2023. She opined that his diagnosed medical conditions were causally related to his employment duties and explained that "repetitive activities caused cumulative trauma disorder that caused inflammation of the structures of the hips that ended up becoming weak and these structures deteriorated because of the wear and tear and the constant repair to heal the damage caused by the repetitive spraining and straining."

OWCP also received a March 10, 2025 note wherein Dr. Khulusi released appellant to full-duty work without restrictions.

By decision dated June 17, 2025, OWCP denied modification of the February 24, 2025 decision.

### **LEGAL PRECEDENT**

An employee seeking benefits under FECA has the burden of proof to establish the essential elements of his or her claim, including the fact that the individual is an employee of the United States within the meaning of FECA,<sup>3</sup> that the claim was timely filed within the applicable time limitation period of FECA, 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.<sup>4</sup> 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.<sup>5</sup>

To establish that an injury was sustained in the performance of duty in an occupational disease claim, an employee must submit the following: (1) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; (2) medical evidence establishing the presence or existence of the disease or

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<sup>3</sup> *K.R.*, Docket No. 20-0995 (issued January 29, 2021); *A.W.*, Docket No. 19-0327 (issued July 19, 2019); *S.B.*, Docket No. 17-1779 (issued February 7, 2018); *J.P.*, 59 ECAB 178 (2007); *Joe D. Cameron*, 41 ECAB 153 (1989).

<sup>4</sup> *J.M.*, Docket No. 17-0284 (issued February 7, 2018); *R.C.*, 59 ECAB 427 (2008); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

<sup>5</sup> *J.B.*, Docket No. 20-1566 (issued August 31, 2021); *K.M.*, Docket No. 15-1660 (issued September 16, 2016); *L.M.*, Docket No. 13-1402 (issued February 7, 2014); *Delores C. Ellyett*, 41 ECAB 992 (1990).

condition for which compensation is claimed; and (3) medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the employee.<sup>6</sup>

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.<sup>7</sup> A physician's opinion on whether there is causal relationship between the diagnosed condition and the implicated employment factors must be based on a complete factual and medical background.<sup>8</sup> Additionally, the physician's opinion must be expressed in terms of a reasonable degree of medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and appellant's specific employment factors.<sup>9</sup>

In any case where a preexisting condition involving the same part of the body is present and the issue of causal relationship, therefore, involves aggravation, acceleration or precipitation, the physician must provide a rationalized medical opinion that differentiates between the effects of the work-related injury or disease and the preexisting condition.<sup>10</sup>

## ANALYSIS

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

In support of his June 3, 2025 request for reconsideration, appellant submitted a May 21, 2025 narrative medical report by Dr. Khulusi, who diagnosed a permanent aggravation of right hip degeneration, status post right hip replacement. Dr. Khulusi noted that x-rays of appellant's right hip revealed a worsening of arthritis between February 2017 and March 2023. She opined that his diagnosed medical conditions were causally related to his employment duties and explained that "repetitive activities caused cumulative trauma disorder that caused inflammation of the structures of the hips that ended up becoming weak and these structures deteriorated because of the wear and tear and the constant repair to heal the damage caused by the repetitive spraining and straining." While the May 21, 2025 narrative report from Dr. Khulusi is insufficient to establish appellant's occupational disease claim, it is sufficient to require further development of the medical evidence.<sup>11</sup>

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<sup>6</sup> *R.G.*, Docket No. 19-0233 (issued July 16, 2019). *See also Roy L. Humphrey*, 57 ECAB 238, 241 (2005); *Ruby I. Fish*, 46 ECAB 276, 279 (1994); *Victor J. Woodhams*, 41 ECAB 345 (1989).

<sup>7</sup> *A.K.*, Docket No. 21-0278 (issued July 12, 2021); *T.H.*, 59 ECAB 388, 393 (2008); *Robert G. Morris*, 48 ECAB 238 (1996).

<sup>8</sup> *M.V.*, Docket No. 18-0884 (issued December 28, 2018).

<sup>9</sup> *Id.*; *Victor Woodhams*, *supra* note 6.

<sup>10</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.805.3e (May 2023); *M.B.*, Docket No. 20-1275 (issued January 29, 2021); *see R.D.*, Docket No. 18-1551 (issued March 1, 2019).

<sup>11</sup> *See Z.S.*, Docket No. 25-0138 (issued January 22, 2025); *R.B.*, Docket No. 20-0498 (issued August 27, 2020); *D.S.*, Docket No. 17-1359 (issued May 3, 2019); *X.V.*, Docket No. 18-1360 (issued April 12, 2019); *C.M.*, Docket No. 17-1977 (issued January 29, 2019); *John J. Caralone*, 41 ECAB 354 (1989); *William J. Cantrell*, 34 ECAB 1223 (1983).

It is well established that proceedings under FECA are not adversarial in nature and, while appellant has the burden of proof to establish entitlement to compensation, OWCP shares responsibility in the development of the evidence.<sup>12</sup> OWCP has an obligation to see that justice is done.<sup>13</sup>

This case must, therefore, be remanded for further development. On remand, OWCP shall refer appellant, along with the medical record and a statement of accepted facts, to a specialist in the appropriate field of medicine for a second opinion examination and report regarding whether appellant's diagnosed right hip conditions are causally related to the accepted employment factors.<sup>14</sup> If the referral physician disagrees with the opinion of Dr. Khulusi, he/she must provide a fully-rationalized opinion explaining why appellant's right hip conditions are not causally related to the accepted employment factors. After this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.

### **CONCLUSION**

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

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<sup>12</sup> *Id. See also A.P.*, Docket No. 17-0813 (issued January 3, 2018); *Jimmy A. Hammons*, 51 ECAB 219, 223 (1999).

<sup>13</sup> *See B.C.*, Docket No. 15-1853 (issued January 19, 2016); *E.J.*, Docket No. 09-1481 (issued February 19, 2010).

<sup>14</sup> *See R.B.*, *supra* note 11; *C.C.*, Docket No. 19-1631 (issued February 12, 2020).

**ORDER**

**IT IS HEREBY ORDERED THAT** the June 17, 2025 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: November 18, 2025  
Washington, DC

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

Patricia H. Fitzgerald, Deputy Chief Judge  
Employees' Compensation Appeals Board

Janice B. Askin, Judge  
Employees' Compensation Appeals Board