

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

A.P., Appellant)
and) Docket No. 25-0737
U.S. POSTAL SERVICE, FREEHOLD POST)
OFFICE, Freehold, NJ, Employer)
Issued: September 25, 2025

)

Appearances:

James D. Muirhead, Esq., for the appellant¹
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
JANICE B. ASKIN, Judge

JURISDICTION

On July 29, 2025 appellant, through counsel, filed a timely appeal from an April 14, 2025 merit decision 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.

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.*

ISSUE

The issue is whether appellant has met his burden of proof to establish a medical condition causally related to the accepted April 9, 2023 employment incident.

FACTUAL HISTORY

This case has previously been before the Board.³ The facts and circumstances of the case as set forth in the Board's prior order are incorporated herein by reference. The relevant facts are as follows.

On July 26, 2023 appellant, then a 41-year-old rural carrier associate, filed a traumatic injury claim (Form CA-1) alleging that on April 9, 2023 he was involved in a motor vehicle accident while in the performance of duty. He stated that he felt pain in his left hand/thumb which traveled to his shoulder and neck. Appellant returned to full-time regular duty on April 13, 2023.⁴ On the reverse side of the claim form, the employing establishment acknowledged that appellant was injured in the performance of duty. It also noted that he had a preexisting nonwork-related condition and had stopped work. The date of appellant's work stoppage was not provided.

In several statements, appellant explained that on April 9, 2023 he was backing his employing establishment vehicle from a customer's driveway when he struck a parked car, causing minor damage. He felt minor left-hand pain and thought it was due to a bruise. Appellant indicated that he helped sort packages on April 10 and 11, 2023 and he returned to his usual work on April 13, 2023. However, he experienced worsening pain in his left hand after his April 19, 2023 shift.

OWCP received an April 9, 2023 police report, which verified that appellant's employing establishment vehicle had struck a parked vehicle.

In an April 24, 2023 prescription note, Dr. Alla Gordina, a pediatrician, excused appellant from work from April 24 and 25, 2023.

In a May 20, 2023 note, Carina Santos, a nurse practitioner, requested that appellant be excused from work.

In prescription notes dated May 5 and June 12, 2023, Dr. Iosif Goldman, a Board-certified osteopath and family practitioner, indicated that appellant had experienced an exacerbation of his left carpal tunnel syndrome.

In a June 23, 2023 prescription note, Dr. Boris Furman, a Board-certified neurologist, related appellant's diagnoses as bilateral carpal tunnel syndrome, left de Quervain's tenosynovitis,

³ *Order Remanding Case*, Docket No. 24-0808 (issued September 18, 2024).

⁴ OWCP assigned the present claim OWCP File No. xxxxxx664. Appellant previously filed a Form CA-1 under OWCP File No. xxxxxx929, which was later converted to an occupational disease claim assigned OWCP File No. xxxxxx965, wherein appellant alleged that he developed upper back pain on July 31, 2022 while delivering packages, and the next day, the pain radiated up to his neck.

and cervical spine radiculopathy. He also provided work restrictions. In a separate June 23, 2023 report, Dr. Furman noted that appellant indicated that he developed pain and numbness in his hands that began in April at the proximal portion of the left arm at the styloid ligament attachment. He noted examination findings and diagnosed left wrist carpal tunnel syndrome, tenosynovitis of left radial styloid (de Quervain's), and cervical disc displacement without myelopathy.

In an August 3, 2023 development letter, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of additional factual and medical evidence needed and afforded him 60 days to submit the necessary evidence.

OWCP subsequently received additional evidence. In a June 23, 2023 electromyogram/nerve conduction velocity (EMG/NCV) study, Dr. Furman provided impressions of C5-6 bilateral radiculopathy and bilateral motor-sensory median nerve neuropathy at the wrists consistent with bilateral carpal tunnel syndrome.

In an August 9, 2023 attending physician's report (Form CA-20), Dr. Furman noted a date of injury of April 9, 2023 and a history of pain, numbness and tenderness of the left wrist and hands. He diagnosed left carpal tunnel syndrome, C5-6 radiculopathy and de Quervain's tendinitis. Dr. Furman recommended work restrictions. He opined, with a checkmark, that the diagnosed conditions were not caused or aggravated by the April 9, 2023 work injury.

In a follow-up development letter dated August 30, 2023, 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 August 3, 2023 letter to submit the necessary evidence. OWCP further advised that if the necessary evidence was not received during this time, it would issue a decision based on the evidence contained in the record.

OWCP subsequently received September 14, 2023 statements, wherein appellant again recounted the April 9, 2023 incident.

By decision dated October 10, 2023, OWCP denied appellant's traumatic injury claim, finding that the medical evidence of record was insufficient to establish a diagnosed condition causally related to the accepted April 9, 2023 employment incident.

On January 19, 2024 appellant requested reconsideration.

In support thereof, appellant submitted a December 27, 2023 report, wherein Dr. Furman related that he had initially examined appellant on June 23, 2023. He recounted that on April 9, 2023, appellant was involved in a motor vehicle accident, during which his vehicle struck another. At that time, appellant was driving with his left hand on the steering wheel and he developed minor pain in his left wrist and a bruise. Dr. Furman related that appellant returned to work on April 10, 2023, by April 19, 2023 the pain in the left wrist was intense, which made it difficult for him to work. He indicated that the June 23, 2023 examination revealed positive de Quervain's, Tinel, and Phalen signs, and that the June 23, 2023 EMG/NCV study demonstrated left median nerve

neuropathy at the wrist. Based on his evaluations and diagnostic studies, Dr. Furman opined that appellant was unable to work as a mail carrier until December 27, 2023, the date of his last visit.

By decision dated January 23, 2024, OWCP denied modification of the October 10, 2023 decision.

On April 2, 2024, appellant, through counsel, requested reconsideration.

In a March 29, 2024 report, Dr. Furman related that, during appellant's April 9, 2023 motor vehicle accident, his left hand was on the steering wheel and he felt that his wrist had bent and his neck "jerked." Following this incident, he developed pain in both the neck and the wrist. Dr. Furman stated that appellant was treated conservatively for left radial styloid tenosynovitis, carpal tunnel syndrome and cervical disc displacement, which were confirmed by the June 23, 2023 diagnostic studies. He opined that appellant's conditions were a result of the April 9, 2023 work incident as he did not have any neck or wrist symptoms prior to the motor vehicle accident. Dr. Furman explained that, as appellant's hand was on the steering wheel during the collision, the wrist had radial deviation which produced strain on the ligament and predisposed him to formation of tenosynovitis. He also explained that during the collision appellant's neck "most likely" went into a hyperflexion position which caused bulging of the intervertebral discs in the cervical spine to occur. Dr. Furman added that most of the time, C5-6 and C6-7 discs were involved, which were major components of the median nerve and that was how carpal tunnel syndrome occurred.

By decision dated April 4, 2024, OWCP denied modification of its prior decision.

On April 5, 2024 appellant, through counsel, requested reconsideration.

In an April 4, 2024 report, Dr. Furman reiterated the opinions expressed in his March 29, 2024 report.

By decision dated April 9, 2024, OWCP denied modification of its April 4, 2024 decision.

On August 2, 2024 appellant, through counsel, appealed to the Board. By order dated September 18, 2024, the Board set aside the April 9, 2024 decision and directed OWCP to administratively combine OWCP File Nos. xxxxxx664 and xxxxxx965 followed by a *de novo*

decision.⁵ On remand, OWCP administratively combined appellant's claims, with OWCP File No. xxxxxx965 designated as the master file.

By *de novo* decision dated October 30, 2024, OWCP denied appellant's traumatic injury claim, finding that the medical evidence of record was insufficient to establish that the diagnosed medical conditions were caused or aggravated by the accepted April 9, 2023 employment incident.

On November 5, 2024 appellant, through counsel, requested an oral hearing before a representative of OWCP's Branch of Hearings and Review, which was held on January 29, 2025.

OWCP received additional medical evidence. In an April 25, 2023 patient care summary, Ms. Santos noted a diagnosis of left wrist carpal tunnel syndrome.

Dr. Goldman, in a May 8, 2023 note, diagnosed left wrist carpal tunnel syndrome.

In November 1 and 29, 2023 patient care summaries, Dr. Furman provided pain-related restrictions for the tenosynovitis of left radial styloid. He further opined, in the November 29, 2023 patient care summary, that appellant was unable to return to mail carrier duties that required manual use of both upper extremities until December 20, 2023.

By decision dated April 14, 2025, OWCP's hearing representative affirmed the October 30, 2024 decision.

LEGAL PRECEDENT

An employee seeking benefits under FECA⁶ 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,⁷ 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.⁸ 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.⁹

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. First, the employee must submit

⁵ *Supra* note 3.

⁶ *Supra* note 2.

⁷ See *S.F.*, Docket No. 23-0264 (issued July 5, 2023); *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).

⁸ *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).

⁹ *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).

sufficient evidence to establish that he or she actually experienced the employment incident at the time and place, and in the manner alleged. Second, the employee must submit sufficient evidence to establish that the employment incident caused an injury.¹⁰

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.¹¹ The opinion of the physician must be based upon a complete factual and medical background, 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.¹² Neither the mere fact that a disease or condition manifests itself during a period of employment, nor the belief that the disease or condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.¹³

ANALYSIS

The Board finds that appellant has not met his burden of proof to establish a cervical condition causally related to the accepted April 9, 2023 employment incident.

In a June 23, 2023 report, Dr. Furman diagnosed cervical disc disease. On June 23, 2023 he also reviewed an EMG/NCV study and provided an impression of C5-6 bilateral radiculopathy. However, he did not provide an opinion on whether appellant's diagnosed cervical conditions were causally related to the accepted April 9, 2023 employment incident. The Board has held that medical evidence that does not offer an opinion regarding the cause of an employee's condition or disability is of no probative value on the issue of causal relationship.¹⁴ Therefore, this evidence is insufficient to establish appellant's claim for cervical conditions.

In an August 9, 2023 Form CA-20, Dr. Furman negated causal relationship between appellant's diagnosed C5-6 spine radiculopathy and the accepted employment incident. He checked a box indicating that appellant's diagnosis was *not* causally related to the employment incident. The Board has held that medical evidence that negates causal relationship is of no probative value.¹⁵

¹⁰ *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).

¹¹ *I.J.*, Docket No. 19-1343 (issued February 26, 2020); *T.H.*, 59 ECAB 388 (2008); *Robert G. Morris*, 48 ECAB 238 (1996).

¹² *M.T.*, Docket No. 24-0103 (issued March 28, 2024); *D.C.*, Docket No. 19-1093 (issued June 25, 2020); *see also L.B.*, Docket No. 18-0533 (issued August 27, 2018); *see also Victor J. Woodhams*, 41 ECAB 345 (1989).

¹³ *L.W.*, Docket No. 24-0947 (issued January 31, 2025); *T.H.*, Docket No. 18-1736 (issued March 13, 2019); *Dennis M. Mascarenas*, 49 ECAB 215 (1997).

¹⁴ *See L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

¹⁵ *See T.W.*, Docket No. 19-0677 (issued August 16, 2019).

In reports dated March 29 and April 4, 2024, Dr. Furman opined that the diagnosed cervical conditions were causally related to the April 9, 2023 employment incident. He related that, at the time of the collision, appellant felt his neck jerk and opined that appellant's neck "most likely" went into a hyperflexion position which caused bulging of the intervertebral discs in the cervical spine to occur. The Board has held that medical opinions that are speculative or equivocal are of diminished probative value.¹⁶ Thus, this evidence is insufficient to establish appellant's claim for cervical conditions.

As the medical evidence of record is insufficient to establish a cervical condition causally related to the accepted April 9, 2023 employment incident, the Board finds that appellant has not met his burden of proof in this regard.

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.

The Board further finds, however, that the case is not in posture for decision regarding whether a left wrist condition is causally related to the accepted April 9, 2023 employment incident.

In his March 29 and April 4, 2024 narrative reports, Dr. Furman related that, during appellant's April 9, 2023 motor vehicle accident, his left hand was on the steering wheel and he felt that his wrist bent. He explained that, as appellant's hand was on the steering wheel during the collision, the wrist had radial deviation which produced strain on the ligament and predisposed him to formation of tenosynovitis. Dr. Furman's opinion, while insufficiently rationalized to establish appellant's claim for left wrist conditions, is sufficient to require further development of the medical evidence.¹⁷

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.¹⁸ OWCP has an obligation to see that justice is done.¹⁹

¹⁶ See *D.D.*, Docket No. 25-0751 (issued August 27, 2025); *F.S.*, Docket No. 22-0070 (issued June 14, 2023); *M.L.*, Docket No. 18-0153 (issued January 22, 2020); *N.B.*, Docket No. 19-0221 (issued July 15, 2019); *Z.B.*, Docket No. 17-1336 (issued January 10, 2019); *T.M.*, Docket No. 08-0975 (issued February 6, 2009).

¹⁷ *E.K.*, Docket No. 25-0641 (issued August 21, 2025); *T.P.*, Docket No. 25-0294 (issued April 2, 2025); *B.S.*, Docket No. 22-1289 (issued August 20, 2024); *J.L.*, Docket No. 23-0733 (issued October 12, 2023); *C.S.*, Docket No. 22-1087 (issued May 1, 2023); *D.V.*, Docket No. 21-0383 (issued October 4, 2021); *K.S.*, Docket No. 19-0506 (issued July 23, 2019); *H.T.*, Docket No. 18-0979 (issued February 4, 2019); *D.W.*, Docket No. 17-1884 (issued November 8, 2018); *E.J.*, Docket No. 09-1481 (issued February 19, 2010); *John J. Caralone*, 41 ECAB 354 (1989).

¹⁸ See *E.K.*, *id.*; *C.C.*, Docket No. 18-1453 (issued January 28, 2020); *Jimmy A. Hammons*, 51 ECAB 219, 223 (1999).

¹⁹ See *T.P.*, *supra* note 17; *B.C.*, Docket No. 15-1853 (issued January 19, 2016); *E.J.*, *supra* note 17; *John J. Caralone*, *supra* note 17.

This case must, therefore, be remanded for further development. On remand OWCP shall refer appellant, along with the case record and a statement of accepted facts, to a specialist in the appropriate field of medicine for a second opinion regarding whether he sustained a left wrist condition causally related to the accepted employment incident. If the referral physician opines that appellant's conditions are not causally related, he or she must provide a fully-rationalized opinion explaining why their opinion differs from that of Dr. Furman. After this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.

CONCLUSION

The Board finds that appellant has not met his burden of proof to establish a cervical condition causally related to the accepted April 9, 2023 employment incident. The Board further finds that the case is not in posture for decision regarding whether a left wrist condition is causally related to the accepted April 9, 2023 employment incident.

ORDER

IT IS HEREBY ORDERED THAT the April 14, 2025 decision of the Office of Workers' Compensation Programs is affirmed in part and set aside in part, and the case is remanded for further proceedings consistent with this decision of the Board.

Issued: September 25, 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