

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

L.B., Appellant))
)
and)	Docket No. 25-0766
		Issued: September 5, 2025
DEPARTMENT OF HOMELAND SECURITY, TRANSPORTATION SECURITY ADMINISTRATION, Erlander, KY, Employer))
)
)

Appearances:

Alan J. Shapiro, Esq., for the appellant¹
Office of Solicitor, for the Director

Case Submitted on the Record

Before:

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

JURISDICTION

On August 7, 2025 appellant, through counsel, filed a timely appeal from two July 3, 2025 merit decisions 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.*

ISSUES

The issues are: (1) whether OWCP met its burden of proof to terminate appellant's wage-loss compensation, effective December 5, 2024, as she no longer had disability causally related to her accepted January 12, 2023 employment injury; (2) whether appellant has met her burden of proof to establish continuing disability, on or after December 5, 2024, causally related to her accepted January 12, 2023 employment injury; and (3) whether appellant has met her burden of proof to expand the acceptance of her claim to include additional conditions as causally related to her accepted employment injury.

FACTUAL HISTORY

On January 22, 2023 appellant, then a 51-year-old transportation specialist, filed a traumatic injury claim (Form CA-1) alleging that on January 12, 2023 she twisted her left knee during training while in the performance of duty. She continued to perform modified-duty work. OWCP accepted the claim for internal derangement of the left knee. It paid appellant wage-loss compensation on the supplemental and periodic rolls.

On February 1, 2023 appellant underwent a left knee magnetic resonance imaging (MRI) scan.

On February 3, 2023 Dr. Pettit reviewed the MRI scan and additional conditions. He recommended a left knee arthroscopic partial lateral meniscectomy and possible partial medial meniscectomy. In a note dated March 8, 2023, Dr. Pettit released appellant to return to regular duty on March 10, 2023.

On April 17, 2023 OWCP authorized left knee arthroscopy.

In a January 10, 2024 report, Dr. Pettit diagnosed lateral meniscus tear and left knee medial meniscus tear and recommended surgery. On January 29, 2024 he performed a left knee arthroscopic median plica excision, partial medial meniscectomy, partial lateral meniscectomy, and patella chondroplasty. On February 7, 2024 Dr. Pettit examined appellant and provided a separate note of even date finding that appellant was totally disabled from work through March 7, 2024. He determined on March 6, 2024 that she was totally disabled from work through April 4, 2024.

Edward Brush, a physical therapist, provided treatment commencing February 21, 2024.

In an April 9, 2024 report, Dr. Pettit diagnosed left knee status post partial medial meniscectomy and chondroplasty and noted that appellant had no work restrictions. In a separate report of even date, he noted that she could return to regular duty with no restrictions on April 10, 2024.

On October 1, 2024 OWCP proposed to terminate appellant's wage-loss compensation benefits as the weight of the medical evidence established that she no longer had any disability causally related to her accepted January 12, 2023 employment injury. It afforded her 30 days to submit additional evidence or argument if she disagreed with the proposed termination.

In a letter dated October 8, 2024, appellant, through counsel, requested to expand the acceptance of her claim to include left knee medial and lateral meniscal tears, medial plica, and chondral defect.

In an October 31, 2024 development letter, OWCP informed appellant of the deficiencies of her expansion claim. It advised her of the type of medical evidence needed and afforded her 30 days to submit the necessary evidence. No additional evidence was received.

By decision dated December 5, 2024, OWCP finalized the termination of appellant's wage-loss compensation, effective that date, finding that the weight of the medical evidence rested with the opinion of Dr. Pettit. It noted that the decision did not terminate her medical benefits, which remained open if treatment was still needed.

By separate decision dated December 5, 2023, OWCP denied appellant's request to expand the acceptance of her claim. It found that the medical evidence of record was insufficient to establish causal relationship between the additional conditions and the accepted employment injury.

On December 19, 2024 appellant, through counsel, requested an oral hearing before a representative of OWCP's Branch of Hearings and Review. A hearing was held on April 10, 2025.

In an April 17, 2025 report, Dr. Pettit related that appellant was experiencing pain along the lateral aspect of her left knee with catching and locking. Appellant also reported low back and cardiac conditions. Dr. Pettit diagnosed left knee internal derangement and recommended additional diagnostic studies.

By decision dated July 3, 2025, OWCP's hearing representative affirmed the December 5, 2024 termination decision.

By separate decision dated July 3, 2025, OWCP's hearing representative affirmed the December 5, 2024 decision denying expansion of the acceptance of the claim.

LEGAL PRECEDENT -- ISSUE 1

Once OWCP accepts a claim and pays compensation, it has the burden of proof to justify termination or modification of an employee's benefits.³ After it has been determined that an employee has a disability causally related to his or her employment, OWCP may not terminate compensation without establishing that the disability has ceased or that it is no longer related to

³ See *P.B.*, Docket No. 21-0894 (issued February 8, 2023); *D.G.*, Docket No. 19-1259 (issued January 29, 2020); *R.P.*, Docket No. 17-1133 (issued January 18, 2018); *S.F.*, 59 ECAB 642 (2008); *Kelly Y. Simpson*, 57 ECAB 197 (2005); *Paul L. Stewart*, 54 ECAB 824 (2003).

the employment.⁴ Its burden of proof includes the necessity of furnishing rationalized medical opinion evidence based on a proper factual and medical background.⁵

ANALYSIS -- ISSUE 1

The Board finds that OWCP met its burden of proof to terminate appellant's wage-loss compensation benefits, effective December 5, 2024, as she no longer had disability causally related to her accepted January 12, 2023 employment injury.

In an April 9, 2024 report, Dr. Pettit, appellant's treating physician, diagnosed left knee status post partial medial meniscectomy and chondroplasty and noted that appellant had no work restrictions. In a separate report of even date, he noted that she could return to regular duty with no restrictions on April 10, 2024. As Dr. Pettit's report is based on examination and an accurate history of the employment injury, the Board finds that his report constitutes the weight of the medical evidence.⁶ OWCP therefore has met its burden of proof.

As the medical evidence of record is sufficient to establish that appellant no longer had disability causally related to her accepted January 12, 2023 employment injury as of December 5, 2024, the Board finds that OWCP met its burden of proof.

LEGAL PRECEDENT -- ISSUE 2

Once OWCP properly terminated compensation benefits, the burden shifts to appellant to establish continuing disability on or after that date causally related to the accepted injury.⁷ To establish causal relationship between the accepted conditions as well as any attendant disability claimed and the employment injury, an employee must submit rationalized medical evidence based on a complete medical and factual background supporting such causal relationship.⁸

ANALYSIS -- ISSUE 2

The Board finds that appellant has not met her burden of proof to establish continuing disability, on or after December 5, 2024, causally related to her accepted January 12, 2023 employment injury.

Following the termination of her wage-loss compensation benefits, appellant submitted an April 17, 2025 report wherein Dr. Pettit related that appellant was experiencing pain along the lateral aspect of her left knee with catching and locking. Dr. Pettit diagnosed left knee internal derangement and recommended additional diagnostic studies. However, he did not address the

⁴ See *R.P., id.; Jason C. Armstrong*, 40 ECAB 907 (1989); *Charles E. Minnis*, 40 ECAB 708 (1989); *Vivien L. Minor*, 37 ECAB 541 (1986).

⁵ See *P.T.*, Docket No. 21-0328 (issued May 2, 2022); *Del K. Rykert*, 40 ECAB 284, 295-96 (1988).

⁶ See *B.B.*, Docket No. 20-1187 (issued November 18, 2021).

⁷ See *J.N.*, Docket No. 20-1030 (issued November 20, 2020); *L.C.*, Docket No. 18-1759 (issued June 26, 2019).

⁸ *Id.*

relevant issue of whether appellant continued to be disabled from work on or after December 5, 2024, causally related to her accepted January 12, 2023 employment injury. Thus his opinion is of no probative value.⁹

As the medical evidence of record is insufficient to establish continuing disability on or after December 5, 2024, causally related to her accepted January 12, 2023 employment injury, the Board finds that appellant has not met her burden of proof.

LEGAL PRECEDENT -- ISSUE 3

When an employee claims that a condition not accepted or approved by OWCP was due to an employment injury, he or she bears the burden of proof to establish that the condition is causally related to the employment injury.¹⁰

To establish causal relationship between the condition, as well as any attendant disability claimed and the accepted employment injury, the employee must submit rationalized medical opinion evidence based on a complete factual and medical background, supporting such a causal relationship.¹¹ 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 diagnosed condition and the accepted employment injury.¹² The weight of medical evidence is determined by its reliability, its probative value, its convincing quality, the care of analysis manifested, and the medical rationale expressed in support of the physician's opinion.¹³

ANALYSIS -- ISSUE 3

The Board finds that appellant has not met her burden of proof to expand the acceptance of her claim to include additional conditions as causally related to her accepted employment injury.

Dr. Pettit on January 27, 2023 recounted appellant's history of injury on January 12, 2023 and diagnosed left knee internal derangement. In reports dated February 3, 2023 through January 29, 2024, he diagnosed left lateral meniscus tear, questionable medial meniscus tearing, and edema in the tibial plateau. These reports did not address the issue of whether appellant's additional conditions were causally related to the accepted January 12, 2023 employment injury. The Board has held that medical evidence that does not provide an opinion regarding the cause

⁹ *A.J.*, Docket No. 25-0234 (issued May 19, 2025); *P.L.*, Docket No. 22-0337 (issued September 9, 2022); *K.F.*, Docket No. 19-1846 (issued November 3, 2020); *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

¹⁰ See *A.M.*, Docket No. 22-0707 (issued October 16, 2023); *V.P.*, Docket No. 21-1111 (issued May 23, 2022); *S.B.*, Docket No. 19-0634 (issued September 19, 2019); *Jaja K. Asaramo*, 55 ECAB 200, 204 (2004).

¹¹ *K.B.*, Docket No. 22-0842 (issued April 25, 2023); *T.K.*, Docket No. 18-1239 (issued May 29, 2019).

¹² *D.C.*, Docket No. 25-0621 (issued July 15, 2025); *R.P.*, Docket No. 18-1591 (issued May 8, 2019).

¹³ *Id.*

of an employee's condition is of no probative value.¹⁴ Therefore, this evidence is insufficient to establish expansion of the claim.

OWCP also received evidence signed solely by a physical therapist. However, as noted above certain healthcare providers such as physical therapists are not considered physicians as defined under FECA.¹⁵ Thus, this evidence is of no probative value and is insufficient to establish appellant's claim.

The remainder of the evidence of record consists of diagnostic study reports. However, diagnostic studies, standing alone, lack probative value on causal relationship as they do not address whether employment factors caused the diagnosed condition.¹⁶

As the medical evidence of record is insufficient to establish that the acceptance of the claim should be expanded to include the additional diagnosed conditions as causally related to the accepted January 12, 2023 employment injury, 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 these merit decisions, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. §§ 10.605 through 10.607.

CONCLUSION

The Board finds that OWCP met its burden of proof to terminate appellant's wage-loss compensation, effective December 5, 2024, as she no longer had disability causally related to her accepted January 12, 2023 employment injury. The Board further finds that appellant has not met her burden of proof to establish continuing disability, on or after December 5, 2024, causally related to her accepted January 12, 2023 employment injury. The Board also finds that she has not met her burden of proof to expand the acceptance of her claim to include additional conditions as causally related to her accepted employment injury.

¹⁴ *P.N.*, Docket No. 25-0277 (issued March 6, 2025); *A.M.*, Docket No. 24-0413 (issued July 31, 2024); *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *see D.K.*, Docket No. 17-1549 (issued July 6, 2018).

¹⁵ Section 8102(2) of FECA provides as follows: 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. § 8102(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 physician assistants, nurses, and physical therapists are not competent to render a medical opinion under FECA); *see also V.R.*, Docket No. 19-0758 (issued March 16, 2021) (a physical therapist is not considered a physician under FECA); *C.K.*, Docket No. 19-1549 (issued June 30, 2020) (physical therapists are not considered physicians as defined under FECA).

¹⁶ *See A.J.*, Docket No. 25-0250 (issued May 27, 2025); *T.Y.*, Docket No. 25-0255 (issued April 2, 2025); *B.O.*, Docket No. 25-0049 (issued January 10, 2025); *A.D.*, Docket No. 24-0770 (issued October 22, 2024).

ORDER

IT IS HEREBY ORDERED THAT the July 3, 2025 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: September 5, 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