

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

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| M.B., Appellant |) | |
| |) | |
| and |) | Docket No. 25-0812 |
| |) | Issued: September 26, 2025 |
| U.S. POSTAL SERVICE, FORT COLLINS POST OFFICE, Fort Collins, CO, Employer |) | |
| |) | |

Appearances:

Case Submitted on the Record

Appellant, pro se

Office of Solicitor, for the Director

DECISION AND ORDER

Before:

PATRICIA H. FITZGERALD, Deputy Chief Judge
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On August 13, 2025 appellant filed a timely appeal from a July 17, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act¹ (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 OWCP met its burden of proof to terminate appellant's wage-loss compensation benefits and medical benefits, effective July 17, 2025, as she no longer had disability or residuals causally related to her accepted June 7, 2007 employment injury.

FACTUAL HISTORY

On June 12, 2007 appellant, then a 42-year-old rural carrier, filed a traumatic injury claim (Form CA-1) alleging that on June 7, 2007 she injured her right shoulder when delivering two

¹ 5 U.S.C. § 8101 *et seq.*

heavy packages while in the performance of duty. She stopped work on that date. OWCP accepted the claim for right rotator cuff strain and tendinitis. It paid appellant wage-loss compensation on the supplemental rolls commencing August 19, 2007, and on the periodic rolls commencing October 23, 2011.²

On January 31, 2025 OWCP referred appellant, the medical record, a statement of accepted facts (SOAF), and a series of questions to Dr. Qing-Min Chen, a Board-certified orthopedic surgeon, for a second opinion examination regarding the status of appellant's current conditions and continuing work-related disability.

In his March 7, 2025 report, Dr. Chen noted his review of the SOAF and appellant's factual and medical history. He reported findings on physical examination, including that the right shoulder had no evidence of erythema, ecchymosis, or edema. Examination further revealed loss of range of motion in the shoulders, and in the right shoulder intact rotator cuff strength, intact motor strength, intact sensation, negative Neer's impingement test, negative O'Brien's active compression test, negative Speed's test for biceps tendon pathology and superior labral anterior-posterior lesions, and positive Hoffman's sign for spinal compression, bilaterally, and negative Spurling test for cervical radiculopathy. Dr. Chen opined that the conditions which had been accepted in connection with the June 7, 2007 employment injury had resolved. He explained that the most recent magnetic resonance imaging (MRI) scan did not demonstrate any soft tissue sprain or strain or tendinitis and provided a nonwork-related diagnosis of neck tendinopathy. Dr. Chen advised that appellant was able to return to regular duty as she had no continuing work-related shoulder conditions. In an accompanying March 3, 2025 work capacity evaluation (Form OWCP-5c), he provided no restrictions.

On June 6, 2025 OWCP proposed to terminate appellant's wage-loss compensation and medical benefits as the weight of the medical evidence established that she no longer had disability or residuals causally related to her accepted June 7, 2007 employment injury. It afforded her 30 days to submit additional evidence or argument if she disagreed with the proposed termination.

In a letter dated July 2, 2025, appellant asserted that Dr. Chen performed a cursory examination, and that his report was insufficient to terminate her wage-loss compensation and medical benefits.

By decision dated July 17, 2025, OWCP terminated appellant's wage-loss compensation and medical benefits, effective that date, finding that the weight of the medical evidence rested with the opinion of Dr. Chen, who opined that she no longer had employment-related disability or residuals.

² By decision dated February 7, 2014, OWCP adjusted appellant's wage-loss compensation based on its determination that she was capable of earning wages in the constructed position of cashier, Department of Labor *Dictionary of Occupational Titles* # 211.462.026. It found that the constructed position of cashier had wages of \$367.20 per week and had been shown by a labor market survey to have been reasonably available in her commuting area. OWCP determined that the position represented appellant's wage-earning capacity as of February 9, 2014.

LEGAL PRECEDENT

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 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

The right to medical benefits for an accepted condition is not limited to the period of entitlement for disability compensation.⁶ To terminate authorization for medical treatment, OWCP must establish that the employee no longer has residuals of an employment-related condition, which require further medical treatment.⁷

ANALYSIS

The Board finds that OWCP met its burden of proof to terminate appellant's wage-loss compensation and medical benefits, effective July 17, 2025, as she no longer had disability or residuals causally related to her accepted June 7, 2007 employment injury.

In his March 3, 2025 report, Dr. Chen reviewed the SOAF, discussed appellant's factual and medical history and reported findings on physical examination of the shoulders and neck. He noted a loss of range of motion in the shoulders, and on the right, intact rotator cuff strength, intact motor strength, intact sensation, negative Neer's impingement test, negative O'Brien's active compression test, negative Speed's test for biceps tendon pathology and superior labral anterior-posterior lesions. Additionally, Dr. Chen observed that the most recent MRI scan did not demonstrate any evidence of tendinitis, a strain, or a sprain. Based on his evaluation of appellant, he opined that the work-related conditions had resolved, further treatment was not required, and that she could return to work in her date-of-injury position without restrictions.

The Board finds that the opinion of Dr. Chen has reliability, probative value, and convincing quality with respect to its conclusions regarding the issue of continuing work-related disability and residuals. Dr. Chen reviewed the SOAF, provided a thorough factual and medical history and accurately summarized the relevant medical evidence. He provided medical rationale for his opinion by explaining that appellant had no objective evidence of the June 7,

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).

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 *L.W.*, Docket No. 18-1372 (issued February 27, 2019); *Kathryn E. Demarsh*, 56 ECAB 677 (2005).

⁷ *R.P.*, *supra* note 3; *A.P.*, Docket No. 08-1822 (issued August 5, 2009).

2007 employment injury.⁸ Accordingly, the Board finds that OWCP properly relied on his second opinion report in terminating her wage-loss compensation and medical benefits, effective July 17, 2025.⁹

CONCLUSION

The Board finds that OWCP met its burden of proof to terminate appellant's wage-loss compensation and medical benefits, effective July 17, 2025, as she no longer had disability or residuals causally related to her accepted June 7, 2007 employment injury.

ORDER

IT IS HEREBY ORDERED THAT the July 17, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: September 26, 2025
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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

⁸ See *F.M.*, Docket No. 25-0599 (issued July 25, 2025); *C.W.*, Docket No. 21-0943 (issued February 17, 2023); *W.C.*, Docket No. 18-1386 (issued January 22, 2019); *D.W.*, Docket No. 18-0123 (issued October 4, 2018); *Melvina Jackson*, 38 ECAB 443 (1987).

⁹ *D.D.*, Docket No. 21-1029 (issued February 22, 2022); *R.P.*, Docket No. 20-0891 (issued September 20, 2021); *N.G.*, Docket No. 18-1340 (issued March 6, 2019); *A.F.*, Docket No. 16-0393 (issued June 24, 2016).