

disability or residuals causally related to her accepted April 1, 2022 employment injury; and (2) whether appellant has met her burden of proof to establish continuing disability and/or residuals, on or after June 4, 2025, causally related to the accepted April 1, 2022 employment injury.

FACTUAL HISTORY

On April 2, 2022 appellant, then a 59-year-old distribution clerk, filed a traumatic injury claim (Form CA-1) alleging that on April 1, 2022 she injured her back, left knee, left arm and hand, neck, and shoulders when a large heavy parcel fell and struck her, knocking her to the ground, while in the performance of duty. OWCP initially accepted the claim for contusion left knee, lumbar spine strain, and cervical strain and later expanded its acceptance of the claim to include tear of the left medial meniscus, and left rotator cuff tear. It paid appellant wage-loss compensation on the supplemental rolls effective May 17, 2022, and on the periodic rolls effective December 4, 2022.

On July 10, 2024 Dr. Arun Reddy, a Board-certified orthopedic surgeon, performed an OWCP-authorized surgery, including left shoulder arthroscopy, rotator cuff repair, subacromial decompression, distal clavicle excision, and bicep tenodesis.

In a series of notes commencing August 1, 2024, Dr. Reddy reported that appellant was progressing following surgery, but that she exhibited a possible component of cervical radiculopathy.

In notes dated May 31 through August 27, 2024, Dr. Zain Vally-Mahomed, an internist, listed the accepted conditions as tear of the left medial meniscus, lumbar spine strain, cervical strain, and left rotator cuff tear. He described the accepted April 1, 2022 employment injury and performed a physical examination. Dr. Vally-Mahomed also diagnosed cervical radiculopathy and chronic pain syndrome due to delay in care.

Jennifer Pearson, an advanced practice registered nurse (APRN), completed notes dated July 16 through December 16, 2024, providing findings and diagnoses.

Commencing September 30, 2024, Dr. Vally-Mahomed, found that appellant was temporarily totally disabled from work.

On January 30, 2025 OWCP referred appellant, together with a statement of accepted facts (SOAF), the medical record, and a series of questions, to Dr. Michael J. Battaglia, a Board-certified orthopedic surgeon, for a second opinion to determine whether she continued to suffer from disability and/or residuals causally related to her accepted work-related injury.

In a March 3, 2025 report, Dr. Battaglia noted his review of the SOAF and appellant's medical records. He performed a physical examination noting her complaints of pain in her neck, left shoulder blade, lower back, and left knee. Dr. Battaglia related appellant's range of motion, strength, and reflexes. He noted that her left shoulder had excellent rotator cuff strength, normal supraspinatus strength with pain, and normal external rotation strength. Dr. Battaglia diagnosed tear of the left medial meniscus, cervical sprain, left rotator cuff strain, low back strain, and rotator cuff tear of the left shoulder. He determined that there were no residuals of these accepted

conditions. Dr. Battaglia opined that all accepted conditions had been resolved and determined that appellant was capable of performing the duties of her date-of-injury position as a distribution clerk without restrictions. He found that no further medical treatment was necessary.

On March 25, 2025 Ms. Pearson completed a form report and advised that appellant was totally disabled from work.

On April 4, 2025 Dr. Paul N. Morton, a Board-certified orthopedic surgeon, examined appellant due to knee pain resulting from primary osteoarthritis of the left knee which she attributed to the April 1, 2022 employment injury. He diagnosed post-traumatic osteoarthritis of the medial compartment of the left knee and recommended a total knee replacement.

In a memorandum dated April 16, 2025, OWCP found a conflict between the medical opinions of Dr. Vally-Mahomed and Dr. Battaglia regarding whether appellant had residuals of her accepted conditions and whether she was capable of returning to her date-of-injury position without restrictions.

On April 22, 2025 Dr. Vally-Mahomed continued to support appellant's total disability from work through June 6, 2025.

By notice dated April 24, 2025, OWCP advised appellant that it proposed to terminate her wage-loss compensation and medical benefits based on Dr. Battaglia's opinion that the accepted employment-related conditions had ceased without residuals or disability. It afforded her 30 days to submit additional evidence or argument challenging the proposed termination.

OWCP subsequently received a March 17, 2025 work capacity evaluation (Form OWCP-5c) completed by Dr. Reddy, finding that appellant was partially disabled from work due to her accepted left shoulder condition and resulting surgery such that she could work only two-to-four hours a day in a sedentary or light capacity with pushing, pulling, and lifting no greater than 10 pounds for four hours a day. In a narrative note of even date, Dr. Reddy related appellant's job requirement of lifting up to 70 pounds and working eight hours a day. He performed a physical examination and observed that appellant was significantly weak, easily fatigued, and was unable to return to her date-of-injury position. Dr. Reddy recommended light-duty work, additional physical therapy, and a possible corticosteroid injection.

In an April 10, 2025 attending physician's report (Form CA-20), Dr. Morton described the accepted April 1, 2022 employment injury and diagnosed post-traumatic osteoarthritis of the medial compartment of the left knee as a result of that injury. He found that she was totally disabled from work. On April 14, 2025 Dr. Morton requested authorization to perform a left total knee arthroplasty.

By decision dated June 4, 2025, OWCP terminated appellant's wage-loss compensation and medical benefits, effective that date. It found that Dr. Battaglia's opinion constituted the weight of the medical opinion evidence and established that appellant no longer had disability or residuals causally related to the accepted April 1, 2022 employment injury.

On June 5, 2025 appellant, through counsel, requested a review of the written record by a representative of OWCP's Branch of Hearings and Review. In an August 12, 2025 note, Dr. Vally-Mahomed continued to opine that appellant was totally disabled from work.

By decision dated October 17, 2025, OWCP's hearing representative affirmed the June 4, 2025 termination decision.

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 determined that, an employee has disability causally related to his or her federal 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 appellant no longer has residuals of an employment-related condition which require further medical treatment.⁷

Section 8123(a) of FECA provides that if there is a disagreement between the physician making the examination for the United States and the physician of an employee, the Secretary shall appoint a third physician (known as a referee physician or impartial medical examiner (IME)) who shall make an examination.⁸ For a conflict to arise, the opposing physicians' opinions must be of virtually equal weight and rationale.⁹ In situations where the case is properly referred to an IME for the purpose of resolving the conflict, the opinion of such specialist, if sufficiently well rationalized and based upon a proper factual background, must be given special weight.¹⁰

³ *R.G.*, Docket No. 22-0165 (issued August 11, 2022); *D.G.*, Docket No. 19-1259 (issued January 29, 2020); *S.F.*, 59 ECAB 642 (2008); *Kelly Y. Simpson*, 57 ECAB 197 (2005); *Paul L. Stewart*, 54 ECAB 824 (2003).

⁴ *See R.P.*, Docket No. 17-1133 (issued January 18, 2018); *Jason C. Armstrong*, 40 ECAB 907 (1989); *Charles E. Minnis*, 40 ECAB 708 (1989); *Vivien L. Minor*, 37 ECAB 541 (1986).

⁵ *R.L.*, Docket No. 22-1175 (issued May 11, 2023); *M.C.*, Docket No. 18-1374 (issued April 23, 2019); *Del K. Rykert*, 40 ECAB 284, 295-96 (1988).

⁶ *P.K.*, Docket No. 22-1345 (issued June 28, 2023); *A.G.*, Docket No. 19-0220 (issued August 1, 2019); *T.P.*, 58 ECAB 524 (2007); *Kathryn E. Demarsh*, 56 ECAB 677 (2005); *Furman G. Peake*, 41 ECAB 361, 364 (1990).

⁷ *See A.G., id.*; *James F. Weikel*, 54 ECAB 660 (2003); *Pamela K. Guesford*, 53 ECAB 727 (2002).

⁸ 5 U.S.C. § 8123(a); *see E.L.*, Docket No. 20-0944 (issued August 30, 2021); *R.S.*, Docket No. 10-1704 (issued May 13, 2011); *S.T.*, Docket No. 08-1675 (issued May 4, 2009); *M.S.*, 58 ECAB 328 (2007).

⁹ *P.R.*, Docket No. 18-0022 (issued April 9, 2018).

¹⁰ *See D.M.*, Docket No. 18-0746 (issued November 26, 2018); *R.H.*, 59 ECAB 382 (2008); *James P. Roberts*, 31 ECAB 1010 (1980).

ANALYSIS -- ISSUE 1

The Board finds that OWCP failed to meet its burden of proof to terminate appellant's wage-loss compensation and medical benefits, effective June 4, 2025.

On January 30, 2025 OWCP referred appellant to Dr. Battaglia for a second-opinion examination to determine whether appellant continued to experience disability and/or residuals causally related to her accepted employment injury. In a March 3, 2025 report, Dr. Battaglia noted his review of the SOAF and appellant's medical records. He diagnosed tear of the left medial meniscus, cervical sprain, left rotator cuff strain, low back strain, and rotator cuff tear of the left shoulder. Dr. Battaglia opined that all accepted conditions had been resolved and determined that appellant was capable of performing the duties of her date-of-injury position as a distribution clerk without restrictions. Dr. Vally-Mahomed, appellant's attending physician, conversely, completed notes dated May 31 through September 30, 2024, diagnosing tear of the left medial meniscus, lumbar spine strain, cervical strain, left rotator cuff tear, cervical radiculopathy, and chronic pain syndrome due to delay in care. He found that appellant was temporarily totally disabled from work.

OWCP, in the April 16, 2025 memorandum, determined that there was a conflict in the medical opinion evidence between Dr. Vally-Mahomed and Dr. Battaglia on the issue of whether appellant continued to have residuals and disability causally related to the accepted April 1, 2022 employment injury.

As noted, section 8123(a) of FECA provides that, if there is disagreement between the physician making the examination for the United States and the physician of the employee, the Secretary shall appoint a third physician who shall make an examination.¹¹ However, OWCP failed to refer the case to an IME to resolve the conflict in the medical opinion evidence.

The Board, therefore, finds that there remained an unresolved conflict between the opinions of Dr. Battaglia and Dr. Vally-Mahomed regarding whether appellant continued to have disability or residuals as of June 4, 2025, causally related to her accepted employment injury. As there remained an unresolved conflict of medical evidence, OWCP failed to meet its burden of proof to terminate appellant's wage-loss compensation and medical benefits, effective June 4, 2025.¹²

CONCLUSION

The Board finds that OWCP has not met its burden of proof to terminate appellant's wage-loss compensation and medical benefits, effective June 4, 2025.¹³

¹¹ *Supra* note 8.

¹² *See M.C.*, Docket No. 20-1396 (issued November 22, 2021); *D.P.*, Docket No. 21-0534 (issued December 2, 2021); *L.H.*, Docket No. 17-1859 (issued May 10, 2018); *R.R.*, Docket No. 15-0380 (issued April 10, 2015).

¹³ In light of the Board's disposition of Issue 1, Issue 2 is rendered moot.

ORDER

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

Issued: April 10, 2026
Washington, DC

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

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

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