

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

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S.J., Appellant)	
)	
and)	Docket No. 26-0123
)	Issued: April 10, 2026
U.S. POSTAL SERVICE, HARRISBURG POST)	
OFFICE, Harrisburg, PA, Employer)	
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Appearances: *Case Submitted on the Record*
*Alan J. Shapiro, Esq., for the appellant*¹
Office of Solicitor, for the Director

DECISION AND ORDER

Before:
ALEC J. KOROMILAS, Chief Judge
PATRICIA H. FITZGERALD, Deputy Chief Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On November 24, 2025 appellant, through counsel, filed a timely appeal from a November 3, 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 her burden of proof to establish a medical condition causally related to the accepted factors of her federal employment.

FACTUAL HISTORY

On April 25, 2025 appellant, then a 49-year-old mail handler equipment operator, filed an occupational disease claim (Form CA-2) alleging that she developed a shoulder condition due to factors of her federal employment, including repetitive motions from constant lifting, pulling, and pushing heavy objects. She explained that she developed sharp pain in the shoulder that became intolerable. Appellant noted that she first became aware of her condition and realized its relation to her federal employment on March 14, 2025. She did not stop work. On the reverse side of the claim form, M.S., a manager of distribution operations (MDO), indicated that appellant continued to work for over a month following the development of her alleged condition with no restrictions and was now working in a limited-duty position.

In an April 23, 2025 note, Emily Mock, a nurse practitioner, reported that appellant was evaluated on that date for right shoulder pain following an injury at work. She reported that appellant could return to work with light-duty restrictions regarding use of her upper extremities as she was currently undergoing physical therapy and treatment for this condition. In a separate note of even date, Ms. Mock reported that appellant was evaluated and requested that she be excused from work on April 24, 2025.

In a May 1, 2025 development letter, OWCP informed appellant of the deficiencies of her claim. It advised her as to the type of factual and medical evidence required and provided a questionnaire for her completion. OWCP afforded appellant 60 days to submit the necessary evidence. In a 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.

In a May 7, 2025 letter, the employing establishment controverted the claim noting that appellant's Form CA-2 alleged that she first realized her condition was a result of her employment on March 14, 2025 but the claim was not filed until April 25, 2025. It asserted that the delay in filing and seeking medical attention casts doubt that she sustained an injury as alleged.

The employing establishment also submitted an April 25, 2025 e-mail from M.S., noting that appellant was involved in an accident approximately one month prior when she tried to pull a shepherd hook out of a box and experienced pain in her right shoulder and neck area after it was released. M.S. related that the incident was not timely reported and therefore, a specific date or time could not be identified. She further noted that appellant began physical therapy on March 25, 2025, and provided partial documentation reflecting her medical treatment, since returning to work. M.S. asserted that the root cause of the accident was haste, pulling on a box instead of returning it to the floor and rearranging and loosening the jammed mail. She noted that no disciplinary action had been taken for appellant's conduct.

An official position description for a mail handler was also submitted.

A May 13, 2025 report was submitted from Heather Palmer, a physical therapist, documenting a summary of appellant's physical therapy treatment for her right shoulder impingement syndrome with associated adhesive capsulitis since her initial evaluation on March 18, 2025.

In a follow-up letter dated June 9, 2025, OWCP advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish her claim. It noted that she had 60 days from the May 1, 2025 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.

In a May 14, 2025 report, Ms. Mock reported that appellant was evaluated on May 13, 2025, not for a specific injury, but because her employment duties had exacerbated her underlying condition. She noted a November 5, 2024 evaluation for right shoulder and back pain which appellant felt worsened with work activities. Appellant underwent diagnostic testing, was referred to physical therapy, and subsequently provided light-duty restrictions on April 23, 2025. Ms. Mock diagnosed chronic right shoulder pain as appellant's complaints had lasted longer than six months. She reported that the activities of appellant's employment which were felt to be progressing and exacerbating her condition included repeated overhead work, reaching over belts at chest level, placing heavy and large boxes in tall packs while doing bed loads, and using the culling hook to rack out the mail from the bender.

Appellant subsequently submitted the first page of a June 25, 2025 report by Dr. Robert D. McGann, a Board-certified orthopedic surgeon, who indicated that he evaluated appellant and provided physical examination findings. Dr. McGann diagnosed adhesive capsulitis of the right shoulder and opined that, within a reasonable degree of medical certainty, appellant's condition was secondary to repetitive motion due to her employment activities. He recommended manipulation under anesthesia with intra-articular injections and aggressive physical therapy.

By decision dated July 9, 2025, OWCP denied appellant's claim, finding that the medical evidence of record was insufficient to establish causal relationship between the diagnosed condition and the accepted factors of her federal employment.

Following OWCP's decision, appellant submitted a complete copy of Dr. McGann's June 25, 2025 report. Dr. McGann noted that appellant presented for evaluation and treatment of right shoulder pain and stiffness, which began in January 2025 while working for the employing establishment and continued to progress, causing a worsening of her symptoms and referral to physical therapy in April 2025. He provided physical examination findings and reviewed a February 25, 2025 x-ray of the right shoulder which revealed no acute osseous pathology. Dr. McGann repeated his diagnoses.

On October 14, 2025 appellant, through counsel, requested reconsideration.

By decision dated November 3, 2025, OWCP denied modification of the July 9, 2025 decision.

LEGAL PRECEDENT

An employee seeking benefits under FECA³ 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,⁴ 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.⁵ 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.⁶

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 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.⁷

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.⁸ A physician's opinion on whether there is causal relationship between the diagnosed condition and the implicated employment factor(s) must be based on a complete factual and medical background.⁹ 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 factor(s).¹⁰

³ *Id.*

⁴ *E.K.*, Docket No. 22-1130 (issued December 30, 2022); *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).

⁵ *S.H.*, Docket No. 22-0391 (issued June 29, 2022); *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).

⁶ *E.H.*, Docket No. 22-0401 (issued June 29, 2022); *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).

⁷ *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).

⁸ *S.M.*, Docket No. 22-0075 (issued May 6, 2022); *S.S.*, Docket No. 19-0688 (issued January 24, 2020); *A.M.*, Docket No. 18-1748 (issued April 24, 2019); *Robert G. Morris*, 48 ECAB 238 (1996).

⁹ *M.V.*, Docket No. 18-0884 (issued December 28, 2018).

¹⁰ *J.D.*, Docket No. 22-0935 (issued December 16, 2022); *T.L.*, Docket No. 18-0778 (issued January 22, 2020); *Y.S.*, Docket No. 18-0366 (issued January 22, 2020); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish a medical condition causally related to the accepted factors of her federal employment.

In support of her claim, appellant submitted a June 25, 2025 report from Dr. McGann who provided examination findings, reviewed diagnostic testing, and diagnosed adhesive capsulitis of the right shoulder. He opined, that within a reasonable degree of medical certainty, appellant's adhesive capsulitis of the right shoulder was secondary to repetitive motion as a result of her employment activities. While Dr. McGann provided an affirmative opinion in support of causal relationship, he did not offer sufficient rationale to support his opinion.¹¹ The Board has held that medical opinion evidence must offer a medically-sound explanation of how the specific employment factors physiologically caused an injury.¹² This evidence is therefore insufficient to establish the claim.

Appellant also submitted reports from a nurse practitioner and physical therapist. However, certain health care providers such as nurses, physician assistants, and physical therapists are not considered physicians under FECA and, therefore, are not competent to provide a medical opinion.¹³ Consequently, their medical findings and/or opinions will not suffice for the purpose of establishing entitlement to FECA benefits.¹⁴ As such, this evidence is of no probative value and insufficient to establish appellant's claim.

As the medical evidence of record is insufficient to establish causal relationship between a medical condition and the accepted factors of federal employment, the Board finds that appellant has not met her burden of proof.

¹¹ See *J.S.*, Docket No. 25-0231 (issued March 7, 2025); *A.C.*, Docket No. 24-0661 (issued September 11, 2024); *R.B.*, Docket No. 23-1027 (issued April 3, 2024); *S.B.*, Docket No. 24-0064 (issued February 28, 2024); *S.C.*, Docket No. 21-0929 (issued April 28, 2023); *J.D.*, Docket No. 19-1953 (issued January 11, 2021); *M.W.*, Docket No. 14-1664 (issued December 5, 2014).

¹² *R.S.*, Docket No. 26-0053 (issued February 18, 2026); *C.L.*, Docket No. 25-0593 (issued July 15, 2025); *K.J.*, Docket No. 21-0020 (issued October 22, 2021); *L.R.*, Docket No. 16-0736 (issued September 2, 2016); *J.R.*, Docket No. 12-1099 (issued November 7, 2012); *Douglas M. McQuaid*, 52 ECAB 382 (2001).

¹³ Section 8101(2) provides that 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. § 8101(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 *N.H.*, Docket No. 26-0136 (issued March 18, 2026) (nurse practitioners are not physicians under FECA); *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).

¹⁴ *Id.*; *N.B.*, Docket No. 19-0221 (issued July 15, 2019).

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.

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish a medical condition causally related to the accepted factors of her federal employment.

ORDER

IT IS HEREBY ORDERED THAT the November 3, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

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