

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

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<b>D.A., Appellant</b>	)	
	)	
<b>and</b>	)	<b>Docket No. 26-0214</b>
	)	<b>Issued: April 21, 2026</b>
<b>DEPARTMENT OF HOMELAND SECURITY,</b>	)	
<b>U.S. CUSTOMS &amp; BORDER PROTECTION,</b>	)	
<b>Miami, FL, Employer</b>	)	
_____	)	

*Appearances:*  
*Appellant, pro se*  
*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  
VALERIE D. EVANS-HARRELL, Alternate Judge

**JURISDICTION**

On January 3, 2026 appellant filed a timely appeal from a September 29, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act<sup>1</sup> (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.<sup>2</sup>

**ISSUE**

The issue is whether appellant has met her burden of proof to establish disability from work for the period May 14 through 31, 2025, causally related to her accepted March 26, 2025 employment injury.

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<sup>1</sup> 5 U.S.C. § 8101 *et seq.*

<sup>2</sup> The Board notes that following the September 29, 2025 decision, appellant submitted additional evidence to OWCP and with her appeal to the Board. However, the Board's *Rules of Procedure* provides: "The Board's review of a case is limited to the evidence in the case record that was before OWCP at the time of its final decision. Evidence not before OWCP will not be considered by the Board for the first time on appeal." 20 C.F.R. § 501.2(c)(1). Thus, the Board is precluded from reviewing this additional evidence for the first time on appeal. *Id.*

## **FACTUAL HISTORY**

On March 27, 2025, appellant, then a 48-year-old customs and border protection agent, filed a traumatic injury claim (Form CA-1) alleging that on March 26, 2025 she fractured her left ankle and bruised her right knee when she misstepped and fell while in the performance of duty. She stopped work on March 26, 2025. OWCP accepted the claim for left ankle sprain.

On June 3, 2025, appellant filed a claim for compensation (Form CA-7) for disability from work during the period May 14 through 31, 2025.

In a report dated May 14, 2025, Jorge Rabinovich, a physician assistant, noted a diagnosis of left ankle sprain, and related that appellant could work her entire shift, only from a seated position.

In a development letter dated May 29, 2025, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of medical evidence needed to establish her claim and afforded her 60 days to submit the necessary evidence.

In a May 27, 2025 report, Mr. Rabinovich diagnosed a sprain of left ankle and opined that appellant could work sit-down duty seven hours a day and walking/standing duty one hour a day.

A May 28, 2025 magnetic resonance imaging (MRI) scan of appellant's left leg demonstrated mild soft tissue edema around the ankle, minimal tibiotalar joint effusion.

In a June 5, 2025 report, Dr. Lauren Hensley, an osteopathic neuromuscular medicine neurologist, indicated that appellant had been working light duty. She stated that appellant's first MRI scan demonstrated a high-grade sprain and near full-thickness tear of the anterior talofibular ligament (ATFL) and the most recent MRI scan was essentially benign with mild soft tissue swelling and minimal tibiotalar joint effusion. Dr. Hensley diagnosed sprain of left ankle and opined that appellant continue to work light duty.

In a development letter dated June 17, 2025, OWCP informed appellant that if her case was accepted her claim for compensation would be reviewed. It referred appellant to its May 29, 2025 development letter, which had afforded her 60 days from the date of the letter to submit the necessary evidence, and requested that she also provide relevant medical evidence from a qualified physician to support the period(s) of disability claimed.

OWCP received May 14 and 27, 2025 progress reports, a May 27, 2025 work activity status report, and a May 27, 2025 State form report from Mr. Rabinovich regarding appellant's left ankle sprain and her ability to work light duty with restrictions.

A May 14, 2025 duty status report (Form CA-17) by an unsigned provider was received.

In a June 5, 2025 Form CA-17, Dr. Lauren Maselli, an osteopathic Board-certified internist, provided follow-up examination findings for a left ankle sprain that occurred on March 26, 2025. She opined that appellant was able to work full-time without restrictions as of June 16, 2025. In a June 16, 2025 Form CA-17, Dr. Maselli opined that appellant was able to resume regular work duties.

In a June 26, 2025 report and June 26, 2025 work activity status report, Dr. Maselli provided examination findings of appellant's left ankle. She opined that appellant reached

maximum medical improvement (MMI) for her left ankle sprain and discharged her from treatment. In a June 26, 2025 Form CA-17 and a June 26, 2025 State form report, Dr. Maselli opined that appellant was able to resume her regular work duties.

By decision dated September 29, 2025, OWCP denied appellant's claim for wage-loss compensation, finding that the medical evidence of record was insufficient to establish disability from work for the period May 14 through 31, 2025, causally related to her accepted March 26, 2025 employment injury.

### **LEGAL PRECEDENT**

An employee seeking benefits under FECA has the burden of proof to establish the essential elements of his or her claim, including that any disability or specific condition for which compensation is claimed is causally related to the employment injury.<sup>3</sup> For each period of disability claimed, the employee has the burden of proof to establish that he or she was disabled from work as a result of the accepted employment injury.<sup>4</sup> Whether a particular injury causes an employee to become disabled from work, and the duration of that disability, are medical issues that must be proven by a preponderance of probative and reliable medical opinion evidence.<sup>5</sup>

Under FECA the term “disability” means the incapacity, because of an employment injury, to earn the wages that the employee was receiving at the time of injury. Disability is thus not synonymous with physical impairment, which may or may not result in an incapacity to earn wages. An employee who has a physical impairment causally related to a federal employment injury, but who nevertheless has the capacity to earn the wages he or she was receiving at the time of injury, has no disability as that term is used in FECA.<sup>6</sup>

Causal relationship is a medical issue, and the medical evidence required to establish causal relationship is rationalized medical evidence.<sup>7</sup> Rationalized medical evidence is medical evidence, which includes a physician's detailed medical opinion on the issue of whether there is a causal relationship between the claimant's claimed disability and the accepted employment injury. 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 claimed period of disability and the accepted employment injury.<sup>8</sup>

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<sup>3</sup> See *M.F.*, Docket No. 24-0445 (issued May 23, 2024); *C.B.*, Docket No. 20-0629 (issued May 26, 2021); *D.S.*, Docket No. 20-0638 (issued November 17, 2020); *B.O.*, Docket No. 19-0392 (issued July 12, 2019); *D.W.*, Docket No. 18-0644 (issued November 15, 2018); *Kathryn Haggerty*, 45 ECAB 383 (1994); *Elaine Pendleton*, 40 ECAB 1143 (1989).

<sup>4</sup> *Id.* See also 20 C.F.R. § 10.501(a); *K.H.*, Docket No. 25-0906 (issued January 30, 2026); *V.P.*, Docket No. 21-1111 (issued May 23, 2022); *C.E.*, Docket No. 19-1617 (issued June 3, 2020); *M.M.*, Docket No. 18-0817 (issued May 17, 2019); *T.A.*, Docket No. 18-0431 (issued November 7, 2018); see also *Amelia S. Jefferson*, 57 ECAB 183 (2005).

<sup>5</sup> 20 C.F.R. § 10.5(f); *B.O.*, *supra* note 3; *N.M.*, Docket No. 18-0939 (issued December 6, 2018).

<sup>6</sup> *Id.*

<sup>7</sup> *C.J.*, Docket No. 21-1424 (issued February 27, 2024); *J.M.*, Docket No. 19-0478 (issued August 9, 2019).

<sup>8</sup> *R.H.*, Docket No. 18-1382 (issued February 14, 2019).

The Board will not require OWCP to pay compensation for disability in the absence of medical evidence directly addressing the specific dates of disability for which compensation is claimed. To do so would essentially allow an employee to self-certify his or her disability and entitlement to compensation.<sup>9</sup>

### ANALYSIS

The Board finds that appellant has not met her burden of proof to establish disability from work for the period May 14 through 31, 2025, causally related to her accepted March 26, 2025 employment injury.

In support of her disability claim, appellant submitted medical reports from Dr. Hensley dated June 5, 2025, and from Dr. Maselli dated June 5, 16, and 26, 2025. Both physicians noted appellant's progress regarding her accepted left ankle strain and her ability to work. However, while they provided a general opinion regarding appellant's ability to work at the time of examination, they did not specifically address the claimed period of disability from May 14 through 31, 2025, or attribute appellant's inability to work due to the accepted March 26, 2025 employment injury.<sup>10</sup> Thus, this evidence is insufficient to establish appellant's disability claim.<sup>11</sup>

Appellant also submitted reports by Mr. Rabinovich, a physician assistant. However, certain healthcare providers such as physician assistants are not considered physicians as defined under FECA, and as such, his reports do not constitute competent medical evidence.<sup>12</sup>

The record also consists of reports which were unsigned. The Board has held that reports that are unsigned or bear an illegible signature cannot be considered probative medical evidence as the author cannot be identified as a physician.<sup>13</sup> Thus, these reports have no probative value and are insufficient to establish the claim.

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<sup>9</sup> *C.E.*, *supra* note 4; *M.M.*, *supra* note 4; *see V.B.*, Docket No. 18-1273 (issued March 4, 2019); *S.M.*, Docket No. 17-1557 (issued September 4, 2018); *William A. Archer*, 55 ECAB 674, 679 (2004); *Fereidoon Kharabi*, 52 ECAB 291, 293 (2001).

<sup>10</sup> *T.K.*, Docket No. 26-0004 (issued February 18, 2026).

<sup>11</sup> *See C.L.*, Docket No. 26-0005 (issued January 29, 2026); *S.J.*, Docket No. 17-0828 (issued December 20, 2017); *Kathryn E. DeMarsh*, 56 ECAB 677 (2005).

<sup>12</sup> 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 M.P.*, Docket No. 26-0018 (issued March 18, 2026) (physical therapists and physician assistants are not considered physicians under FECA and are not competent to provide medical opinions); *S.S.*, Docket No. 21-1140 (issued June 29, 2022) (physician assistants are not considered physicians under FECA and are not competent to provide medical opinions).

<sup>13</sup> *See T.P.*, Docket No. 21-0868 (issued December 21, 2021); *R.L.*, Docket No. 20-0284 (issued June 30, 2020); *M.A.*, Docket No. 19-1551 (issued April 30, 2020); *T.O.*, Docket No. 19-1291 (issued December 11, 2019); *Merton J. Sills*, 39 ECAB 572, 575 (1988).

The remainder of the evidence of record consists of a May 28, 2025 MRI. Diagnostic studies, standing alone, lack probative value as they do not address whether an accepted employment condition caused the claimed disability.<sup>14</sup>

As the medical evidence of record is insufficient to establish disability from work during the claimed period causally related to the accepted March 26, 2025 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 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 disability from work for the period May 14 through 31, 2025, causally related to her accepted March 26, 2025 employment injury.

### **ORDER**

**IT IS HEREBY ORDERED THAT** the September 29, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: April 21, 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

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<sup>14</sup> See *K.H.*, *supra* note 4; *B.B.*, Docket No. 25-0661 (issued September 9, 2025); *A.V.*, Docket No. 19-1575 (issued June 11, 2020).