

² 5 U.S.C. § 8101 *et seq.*

ISSUE

The issue is whether appellant has met her burden of proof to establish a recurrence of total disability commencing September 7, 2022, causally related to her accepted August 26, 2020 employment injury.

FACTUAL HISTORY

On August 26, 2020 appellant, then a 59-year-old rural carrier, filed a traumatic injury claim (Form CA-1) alleging that on that date she injured the left side of her forehead, hands, and knees, when she tripped on a package and fell onto a cement floor while in the performance of duty. She stopped work that date and returned to full-time light duty on April 2, 2021. OWCP accepted the claim for cervical disc degeneration. It paid appellant appropriate wage-loss compensation on the supplemental rolls, effective November 21, 2020.

OWCP subsequently referred appellant, along with the medical record and a statement of accepted facts (SOAF) to Dr. William A. Huff, a Board-certified orthopedic surgeon, for a second opinion regarding appellant's ability to perform her date-of-injury job as a rural carrier.

In a December 10, 2021 report, Dr. Huff related that appellant had limited motion in her cervical spine. He opined that appellant could not work in her regular job as a rural carrier. In an accompanying work capacity evaluation (Form OWCP-5c), Dr. Huff noted that appellant had limited cervical flexion, extension, and rotation, and he opined that appellant could work a light-duty position with permanent physical restrictions.

A March 11, 2022 functional capacity evaluation (FCE) indicated that appellant had lifting ability within the light category of work but, in view of her occasional standing and walking tolerances, she was functionally capable of full-time work at the sedentary physical demand level. Deficits identified during testing included decreased cervical and lumbar range of motion, and decreased upper and lower extremity strength.

In a March 28, 2022 report, Sean Carroll, a certified physician assistant, reviewed appellant's physical examination findings and assessed cervical disc degeneration and inflammatory arthropathy of cervical facet joint. He opined that appellant could perform sedentary work with permanent lifting restrictions. Mr. Carroll also opined that appellant should not drive a mail truck or deliver mail, as too much force would be placed on her neck and would increase her symptoms. In a March 28, 2022 work status note, he advised that, per the FCE, appellant could return to sedentary work with the restriction of no driving to deliver mail.

On April 27, 2022 OWCP provided Dr. Huff with an updated SOAF and requested that he review Mr. Carroll's March 28, 2022 report and March 11, 2022 FCE and provide a supplemental report regarding appellant's physical restrictions and work capacity.

In an August 2, 2022 supplemental report, Dr. Huff noted that he had reviewed Mr. Carroll's March 28, 2022 report and the March 11, 2022 FCE. He advised, however, that his opinion remained unchanged regarding appellant's work capacity as she could perform light work. In an accompanying Form OWCP-5c dated August 2, 2022, Dr. Huff opined that appellant could

work in a light-duty capacity with permanent restrictions of no pushing or pulling greater than 20 pounds 3 hours a day, and no lifting greater than 10 pounds 3 hours a day out of an 8-hour workday.

On August 30, 2022 OWCP requested that the employing establishment offer appellant light-duty work within Dr. Huff's August 2, 2022 restrictions.

On September 6, 2022 appellant accepted a modified job offer for a full-time position as a modified rural carrier. The position required delivery of Express Mail and parcels, up to four hours a day, in addition to other duties. The physical requirements of the modified assignment included driving a vehicle up to four hours a day.

Appellant accepted the modified job offer and returned to full-time light-duty work on September 7, 2022. However, she stopped work again that day.

In a September 22, 2022 statement, appellant recounted that she experienced cervical and upper back pain which radiated down her arms while she performed her work duties on September 7, 2022. She also related that she experienced a marked increase of pain, muscle spasms, and an inability to rotate her head that evening and the next day.

In a September 19, 2022 report, Mr. Carroll noted that appellant's return to work delivering mail on September 7, 2022 caused increased pain in her neck. He stated that her degenerative disc disease was progressively worsening. Mr. Carroll opined that appellant could work light duty, but was not capable of delivering mail. In a work status note of even date, Dr. Raymond Bradley, a Board-certified orthopedic surgeon, opined that, per appellant's FCE, she could return to sedentary work with restrictions of no driving for mail delivery.

In a November 4, 2022 report, Dr. James Patton, a Board-certified neurologist, noted appellant's accepted diagnosis of cervical disc degeneration. He explained that this condition developed when the cushioning in the spine began to wear away. Dr. Patton related that the disc degeneration would affect appellant's ability to turn her head and look up or down. He noted that appellant exhibited severe decreased range of motion in her cervical spine and an inability to tilt her neck left and right with only slight movement in each direction. Dr. Patton reviewed the modified job offer and explained that appellant should not drive due to her accepted cervical disc condition.

OWCP continued to receive additional medical evidence.

On March 13, 2023, appellant filed a notice of recurrence (Form CA-2a) asserting that on September 7, 2022 she sustained a recurrence of total disability causally related to her accepted employment injury. She contended that the light-duty position she accepted was outside of her driving restrictions, which caused her cervical condition to deteriorate.

In a development letter dated March 24, 2023, OWCP informed appellant of the deficiencies of her recurrence claim. It advised her of the type of factual and medical evidence needed to establish her claim and provided a questionnaire for her completion. OWCP afforded appellant 30 days to respond.

Appellant subsequently submitted additional medical evidence.

By decision dated May 4, 2023, OWCP denied appellant's recurrence claim, finding that the medical evidence of record was insufficient to establish a worsening of her accepted conditions which rendered her totally disabled from work commencing September 7, 2022.

OWCP continued to receive additional medical evidence.

On March 7, 2024 appellant requested reconsideration. She again asserted that the employing establishment did not consider her driving restriction when it offered her the modified rural carrier position.

By decision dated March 13, 2024, OWCP denied appellant's request for reconsideration of the merits of her recurrence claim, pursuant to 5 U.S.C. § 8128(a).

Appellant, through counsel, subsequently requested reconsideration. Counsel reiterated that OWCP had not properly considered appellant's driving restriction in assessing the medical evidence.

By decisions dated May 2, 2024 and May 19, 2025, OWCP denied modification.

On January 8, 2026 appellant, through counsel, requested reconsideration and submitted additional medical evidence. Counsel continued to assert that the modified job offer was improper.

OWCP received a December 19, 2025 report, wherein Dr. Eugenia Zimmerman, a Board-certified physiatrist, noted that appellant returned to a light-duty rural carrier position on September 7, 2022 and experienced a significant exacerbation of neck pain after approximately six hours on the job. Appellant reported an increase in symptoms to the demands of driving and substantial difficulty with casing mail. Dr. Zimmerman indicated that the demands of driving and casing mail were problematic given appellant's documented limitations in cervical range of motion. She indicated that despite the stated work restrictions, the modified position required frequent and rapid cervical rotation for driving, as well as flexion and extension for casing mail. Dr. Zimmerman indicated that both Dr. Huff's orthopedic evaluation and the FCE documented substantial limitations in cervical range of motion attributable to advanced cervical degenerative disc disease; however, these limitations were not explicitly incorporated into Dr. Huff's work restrictions. She opined that appellant was justified in discontinuing the light-duty position given the documented restrictions in her cervical range of motion and the objective evidence of severe multilevel cervical degenerative disc disease.

By decision dated January 30, 2026, OWCP denied modification.

LEGAL PRECEDENT

A recurrence of disability means an inability to work after an employee has returned to work, caused by a spontaneous change in a medical condition which resulted from a previous compensable injury or illness and without an intervening injury or new exposure in the work environment.³ This term also means an inability to work because a limited-duty assignment made

³ 20 C.F.R. § 10.5(x); see *J.D.*, Docket No. 18-1533 (issued February 27, 2019).

specifically to accommodate an employee's physical limitations, and which is necessary because of a work-related injury or illness, is withdrawn or altered so that the assignment exceeds the employee's physical limitations.⁴ A recurrence does not occur when such withdrawal occurs for reasons of misconduct, nonperformance of job duties, or a reduction-in-force.⁵

OWCP's procedures provide that a recurrence of disability includes a work stoppage caused by a spontaneous material change in the medical condition demonstrated by objective findings. That change must result from a previous injury or occupational illness rather than an intervening injury or new exposure to factors causing the original illness. It does not include a condition that results from a new injury, even if it involves the same part of the body previously injured.⁶

An employee who claims a recurrence of disability due to an accepted employment-related injury has the burden of proof to establish by the weight of the substantial, reliable, and probative evidence that the disability for which he or she claims compensation is causally related to the accepted injury. This burden of proof requires that a claimant furnish medical evidence from a physician who, on the basis of a complete and accurate factual and medical history, concludes that, for each period of disability claimed, the disabling condition is causally related to the employment injury, and supports that conclusion with medical reasoning.⁷ Where no such rationale is present, the medical evidence is of diminished probative value.⁸

When an employee who is disabled from the job he or she held when injured on account of employment-related residuals returns to a limited-duty position or the medical evidence of record establishes that he or she can perform the limited-duty position, the employee has the burden of proof to establish by the weight of the reliable, probative, and substantial evidence a recurrence of total disability and to show that he or she cannot perform such limited-duty work.⁹ As part of this burden, the employee must show a change in the nature and extent of the injury-related condition, or a change in the nature and extent of the limited-duty job requirements.¹⁰

ANALYSIS

The Board finds that this case is not in posture for decision.

⁴ *Id.*

⁵ *Id.*

⁶ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Recurrences*, Chapter 2.1500.2b (June 2013); *L.B.*, Docket No. 18-0533 (issued August 27, 2018).

⁷ *See J.D.*, Docket No. 18-0616 (issued January 11, 2019); *C.C.*, Docket No. 18-0719 (issued November 9, 2018).

⁸ *H.T.*, Docket No. 17-0209 (issued February 8, 2018).

⁹ *See D.W.*, Docket No. 19-1584 (issued July 9, 2020); *S.D.*, Docket No. 19-0955 (issued February 3, 2020); *Terry R. Hedman*, 38 ECAB 222 (1986).

¹⁰ *C.B.*, Docket No. 19-0464 (issued May 22, 2020); *Terry R. Hedman, id.*; *R.N.*, Docket No. 19-1685 (issued February 26, 2020).

OWCP referred appellant, along with the medical record and a SOAF to Dr. Huff for a second opinion regarding appellant's ability to perform her date-of-injury job as a rural carrier. In a December 10, 2021 report, Dr. Huff related that appellant had limited motion in her cervical spine. He opined that appellant could not work in her regular job as a rural carrier. In an accompanying Form OWCP-5c, Dr. Huff noted that appellant had limited cervical flexion, extension, and rotation, and he related that appellant could work a light-duty position with permanent physical restrictions. In a March 28, 2022 report and March 11, 2022 FCE, Mr. Carroll opined that appellant could perform sedentary work with permanent lifting restrictions, including no driving. On April 27, 2022 OWCP requested that Dr. Huff review Mr. Carroll's March 28, 2022 report and March 11, 2022 FCE and provide a supplemental report regarding appellant's physical restrictions and work capacity. In an August 2, 2022 supplemental report, Dr. Huff related that he had reviewed Mr. Carroll's March 28, 2022 report and the March 11, 2022 FCE. He advised that his opinion remained unchanged regarding appellant's work capacity as she could perform light work. In an accompanying Form OWCP-5c dated August 2, 2022, Dr. Huff opined that appellant could work in a light-duty capacity with permanent restrictions of no pushing or pulling greater than 20 pounds 3 hours a day, and no lifting greater than 10 pounds 3 hours a day out of an 8-hour workday. However, he did not specifically address whether appellant was physically capable of driving.

It is well established that proceedings under FECA are not adversarial in nature, nor is OWCP a disinterested arbiter. While the claimant has the burden of proof to establish entitlement to compensation, OWCP shares the responsibility in the development of the evidence to see that justice is done.¹¹ Once it undertakes development of the record, it must do a complete job in procuring evidence that would resolve the relevant issues in the case.¹²

The case shall therefore be remanded for further development of the medical evidence.¹³ On remand, OWCP shall request that Dr. Huff provide a rationalized supplemental opinion clarifying appellant's work restrictions, specifically including her ability to drive, and whether the modified job offer was within her restrictions. After this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.

CONCLUSION

The Board finds that this case is not in posture for decision.

¹¹ See *R.P.*, Docket No. 26-0333 (issued June 5, 2026); *M.S.*, Docket No. 23-1125 (issued June 10, 2024); *E.B.*, Docket No. 22-1384 (issued January 24, 2024); *J.R.*, Docket No. 19-1321 (issued February 7, 2020); *S.S.*, Docket No. 18-0397 (issued January 15, 2019).

¹² *Id.*; see also *R.M.*, Docket No. 16-0147 (issued June 17, 2016).

¹³ *T.B.*, Docket No. 23-0988 (issued March 8, 2024). See also *R.R.*, Docket No. 17-0871 (issued November 6, 2017); *T.H.*, Docket No. 14-326 (issued February 5, 2015).

ORDER

IT IS HEREBY ORDERED THAT the January 30, 2026 decision of the Office of Workers' Compensation Programs is set aside, and the case is remanded for further proceedings consistent with this decision of the Board.

Issued: August 10, 2026
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