

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

D.A., Appellant	)	
	)	
and	)	<b>Docket No. 25-0909</b>
	)	<b>Issued: February 18, 2026</b>
U.S. POSTAL SERVICE, MICHIGAN	)	
METROPLEX PROCESSING AND	)	
DISTRIBUTION CENTER, Pontiac, MI,	)	
Employer	)	
	)	

*Appearances:*  
*Appellant, pro se*  
*Office of Solicitor, for the Director*

*Case Submitted on the Record*

**DECISION AND ORDER**

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

**JURISDICTION**

On September 24, 2025, appellant filed a timely appeal from a September 12, 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>

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

<sup>2</sup> The Board notes that, following the September 12, 2025 decision, OWCP received additional evidence. 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.*

## **ISSUE**

The issue is whether appellant has met her burden of proof to establish disability from work for the period October 14, 2024 through February 7, 2025, causally related to her accepted September 23, 2024 employment injury.

## **FACTUAL HISTORY**

On September 23, 2024, appellant, then a 47-year-old mail processing clerk, filed a traumatic injury claim (Form CA-1) alleging that on that date she injured her low back when sweeping stackers and placing mail into trays and bins while in the performance of duty. She was treated that same day in a hospital emergency department for a back condition. Appellant stopped work commencing September 24, 2024 and returned to work on September 28, 2024.

Thereafter, OWCP received reports dated October 4 and 14, 2024 wherein Dr. Andrew B. Limbert, an osteopath Board-certified in orthopedic surgery, diagnosed lumbosacral disc disease, dysfunction, and radiculopathy. Dr. Limbert held appellant off work through November 11, 2024 and prescribed physical therapy.

In a November 7, 2024 attending physician's report (Form CA-20) and a work slip of even date, Dr. Limbert related appellant's history of injury. On examination, he observed myospasms throughout the lower lumbar spine, and limited ranges of lumbar motion. X-rays revealed narrowing at L4-5. Dr. Limbert diagnosed lumbosacral strain. He found appellant totally disabled from work for the period October 14 through December 13, 2024 due to a lumbar-sacral injury.

On December 10, 2024, OWCP referred appellant, along with a statement of accepted facts (SOAF), the medical record, and a series of questions, to Dr. Vinay Pampati, an osteopath Board-certified in orthopedic surgery, for a second opinion evaluation regarding the nature and extent of any employment-related conditions and any related disability.

On January 4, 2025, appellant filed a claim for compensation (Form CA-7) for disability from work for the period October 14, 2024 through January 9, 2025.

On January 8, 2025, OWCP accepted appellant's traumatic injury claim for sprain of unspecified parts of lumbar spine and pelvis, initial encounter.

In a January 13, 2025 report, Dr. Limbert related that appellant had participated in physical therapy treatments commencing in December 2024 without symptomatic improvement. He diagnosed lumbar strain and lumbar disc disease with acute exacerbation.

In a January 17, 2025 report, Dr. Pampati reviewed the medical record and SOAF. He noted that following the September 23, 2024 injury, appellant made a brief attempt to return to work on September 28, 2024, but had difficulty, went home, and remained off work. On examination, Dr. Pampati noted tenderness to palpation of the left paraspinal muscles with an otherwise normal orthopedic and neurologic examination. He diagnosed low back pain/strain with an active residual of paraspinal tenderness. In a work capacity evaluation (Form OWCP-5c) of the same date, Dr. Pampati opined that appellant had reached maximum medical improvement (MMI) and returned her to full-duty work with no restrictions.

Appellant subsequently filed additional Form CA-7s, claiming disability from work for the period January 10 through February 7, 2025.

Thereafter, OWCP received work slips dated December 5, 2024 through January 13, 2025 wherein Dr. Limbert held appellant off work for the period December 5, 2024 through February 10, 2025 due to a lumbar-sacral injury.<sup>3</sup>

In a report dated February 6, 2025, Dr. Limbert noted minimal loss of lumbar motion. He returned appellant to work effective February 18, 2025.

By decision dated September 12, 2025, OWCP denied appellant's claim for disability from work for the period October 14, 2024 through February 7, 2025. It found that the medical evidence of record was insufficient to establish disability from work during the claimed period causally related to the accepted September 23, 2024 employment injury.

### **LEGAL PRECEDENT**

An employee seeking benefits under FECA<sup>4</sup> 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>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.<sup>6</sup> Disability is thus not synonymous with physical impairment, which may or may not result in an incapacity to earn wages.<sup>7</sup> 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>8</sup> When, however, the medical evidence establishes that the residuals or sequelae of an employment injury are such that, from a medical standpoint, they prevent the employee from continuing in his or her employment, he or she is entitled to compensation for loss of wages.<sup>9</sup>

The medical evidence required to establish causal relationship between a claimed period of disability and an employment injury is rationalized medical opinion evidence. The opinion of the physician must be based on a complete factual and medical background of the claimant, must

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<sup>3</sup> OWCP also received physical therapy treatment notes for the period December 17, 2024 through February 7, 2025.

<sup>4</sup> *Supra* note 1.

<sup>5</sup> *S.W.*, Docket No. 18-1529 (issued April 19, 2019); *J.F.*, Docket No. 09-1061 (issued November 17, 2009); *Kathryn Haggerty*, 45 ECAB 383 (1994); *Elaine Pendleton*, 40 ECAB 1143 (1989).

<sup>6</sup> 20 C.F.R. § 10.5(f).

<sup>7</sup> *See L.W.*, Docket No. 17-1685 (issued October 9, 2018).

<sup>8</sup> *See K.H.*, Docket No. 19-1635 (issued March 5, 2020).

<sup>9</sup> *See D.R.*, Docket No. 18-0323 (issued October 2, 2018).

be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the claimed disability and the accepted employment injury.<sup>10</sup>

For each period of disability claimed, the employee has the burden of proof to establish that he or she was disabled from work causally related to the accepted employment injury.<sup>11</sup> 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 their disability and entitlement to compensation.<sup>12</sup>

### ANALYSIS

The Board finds this case not in posture for decision.

In a January 17, 2025 report, Dr. Pampati reviewed the medical record and SOAF. He noted that following the September 23, 2024 injury, appellant made a brief attempt to return to work on September 28, 2024, but had difficulty, went home, and remained off work. On examination, Dr. Pampati noted tenderness to palpation of the left paraspinal muscles with an otherwise normal orthopedic and neurologic examination. He diagnosed low back pain/strain with an active residual of paraspinal tenderness. In a Form OWCP-5c of the same date, Dr. Pampati opined that appellant had reached MMI and returned her to full-duty work with no restrictions. However, he was not asked to address the specific claimed period of disability.<sup>13</sup>

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.<sup>14</sup> Once OWCP undertakes development of the medical evidence, it must resolve the relevant issues in the case.<sup>15</sup>

The case must therefore be remanded for further development. On remand, OWCP shall obtain a supplemental report from Dr. Pampati specifying whether appellant was disabled from work during the period October 14, 2024 through February 7, 2025 causally related to the accepted September 23, 2024 employment injury. If Dr. Pampati is unable to provide a supplemental report,

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<sup>10</sup> *S.J.*, Docket No. 17-0828 (issued December 20, 2017); *Kathryn E. DeMarsh*, 56 ECAB 677 (2005).

<sup>11</sup> *R.B.*, Docket No. 25-0715 (issued December 9, 2025); *A.M.*, Docket No. 25-0788 (issued November 17, 2025); *see C.W.*, Docket No. 25-0243 (issued July 17, 2025); *B.D.*, Docket No. 18-0426 (issued July 17, 2019); *Amelia S. Jefferson*, 57 ECAB 183 (2005); *Fereidoon Kharabi*, 52 ECAB 291, 293 (2001).

<sup>12</sup> *Id.*

<sup>13</sup> *See J.J.*, Docket No. 25-0925 (issued January 29, 2026); *A.B.*, Docket No. 25-0504 (issued June 20, 2025); *C.R.*, Docket No. 25-0245 (issued April 3, 2025); *J.V.*, Docket No. 24-0621 (issued September 19, 2024); *D.F.*, Docket No. 25-0111 (issued December 17, 2024); *J.A.*, Docket No. 24-0889 (issued December 11, 2024); *M.R.*, Docket No. 24-0562 (issued September 26, 2024).

<sup>14</sup> *See 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).

<sup>15</sup> *See K.A.*, Docket No. 23-0773 (issued November 1, 2024); *S.A.*, Docket No. 18-1024 (issued March 12, 2020); *L.B.*, Docket No. 19-0432 (issued July 23, 2019); *William J. Cantrell*, 34 ECAB 1223 (1983).

OWCP shall refer appellant, along with the case record and a SOAF to a new second opinion physician for the purpose of obtaining a rationalized medical opinion on the issue.<sup>16</sup> 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.

**ORDER**

**IT IS HEREBY ORDERED THAT** the September 12, 2025 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: February 18, 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

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<sup>16</sup> *J.H.*, Docket No. 19-1476 (issued March 23, 2021); *R.O.*, Docket No. 19-0885 (issued November 4, 2019); *Talmdge Miller*, 47 ECAB 673 (1996).