

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

P.F., Appellant)	
)	
and)	Docket No. 25-0913
)	Issued: February 19, 2026
DEPARTMENT OF THE ARMY, ABERDEEN)	
PROVING GROUND, Aberdeen, MD, Employer)	
)	

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
JANICE B. ASKIN, Judge

JURISDICTION

On September 25, 2025 appellant filed a timely appeal from an August 22, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act¹ (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.²

¹ 5 U.S.C. § 8101 *et seq.*

² The Board notes that following the August 22, 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.*

ISSUE

The issue is whether OWCP properly suspended appellant's entitlement to compensation benefits effective August 22, 2025, pursuant to 5 U.S.C. § 8123(d), due to her failure to attend a scheduled medical evaluation.

FACTUAL HISTORY

On June 6, 1979 appellant, then a 31-year-old management assistant, filed an occupational disease claim (Form CA-2) alleging that she sustained emotional/stress-related conditions due to factors of her federal employment. She noted that she first became aware of her condition and realized its relation to her federal employment on April 23, 1979. OWCP accepted the claim for peptic ulcer, site unspecified, unspecified as acute or chronic, without hemorrhage or perforation; somatization disorder; acute post-traumatic stress disorder; major depressive disorder, recurrent; and agoraphobia, unspecified. It paid appellant wage-loss compensation on the supplemental and periodic rolls.

On April 1, 2025 OWCP referred appellant, along with the medical record and an updated statement of accepted facts (SOAF) and a series of questions to Dr. Christiane Tellefsen, a Board-certified psychiatrist, for a second opinion examination to determine the status of her accepted employment-related conditions. It advised that the examination was scheduled for May 7, 2025 at 1:00 p.m. at a location in Baltimore, Maryland. OWCP informed appellant of her obligation to attend and cooperate with the examination and explained that her compensation benefits would be suspended for failure to attend or for obstruction of the examination pursuant to 5 U.S.C. § 8123(d).

Appellant objected to the May 7, 2025 scheduled evaluation, contending that the SOAF was inaccurate. She further contended that her request for an accommodation to have her second opinion evaluation conducted virtually was improperly denied.

In a May 1, 2025 letter, OWCP notified appellant that her May 7, 2025 second opinion examination with Dr. Tellefsen would be conducted virtually. It again informed appellant of her obligation to attend and cooperate with the examination and explained that her compensation benefits would be suspended for failure to report to, or for obstruction of the examination pursuant to 5 U.S.C. § 8123(d).

In a May 1, 2025 e-mail to OWCP, appellant reiterated that she would be unable to attend the May 7, 2025 second opinion examination due to her current medical conditions and OWCP's refusal to prepare an accurate SOAF. In support thereof, appellant submitted an April 15, 2025 after-visit summary from Mieshia S. Clark, a nurse practitioner, which noted her diagnosed medical conditions.

In a May 2, 2025 response, OWCP indicated that appellant's concerns regarding the accuracy of her SOAF had been addressed. It verified that the SOAF was accurate and valid.

In a May 14, 2025 letter, OWCP's scheduling service advised that appellant did not attend the scheduled May 7, 2025 appointment with Dr. Tellefsen.

Appellant continued to reiterate that the SOAF was inaccurate.

In a notice of proposed suspension dated July 21, 2025, OWCP advised appellant that, pursuant to 5 U.S.C. § 8123(d), if an employee refuses to submit to or obstructs an examination, his or her entitlement to compensation is suspended until the refusal or obstruction stops. It found that she had failed to attend the examination with Dr. Tellefsen on May 7, 2025 and that her allegation of an inaccurate SOAF was insufficient to establish good cause. OWCP explained that only legitimate, documented emergencies would be deemed as adequate grounds for not keeping the appointment. It advised appellant that she must submit a new and pertinent explanation for refusing or obstructing the examination with Dr. Tellefsen within 14 days. If good cause was not established, entitlement to compensation and medical benefits would be suspended in accordance with 5 U.S.C. § 8123(d) until she attended and fully cooperated with the examination.

Appellant continued to assert that the SOAF was inaccurate.

By decision dated August 22, 2025, OWCP finalized its notice of proposed suspension, effective that date. It found that appellant had not established good cause for her failure to attend the May 7, 2025 medical examination with Dr. Tellefsen.

LEGAL PRECEDENT

Section 8123 of FECA authorizes OWCP to require an employee, who claims disability as a result of federal employment, to undergo a physical examination as it deems necessary.³ The determination of the need for an examination, the type of examination, the choice of locale, and the choice of medical examiners are matters within the province and discretion of OWCP.⁴ OWCP's regulations provide that a claimant must submit to an examination by a qualified physician as often and at such times and places as OWCP considers reasonably necessary.⁵ Section 8123(d) of FECA and OWCP regulations provide that, if an employee refuses to submit to or obstructs a directed medical examination, his or her right to compensation is suspended until the refusal or obstruction ceases.⁶ OWCP's procedures provide that, before OWCP may invoke these provisions, the employee is to be provided a period of 14 days within which to present in writing his or her reasons for the refusal or obstruction.⁷ If good cause for the refusal or obstruction is not

³ 5 U.S.C. § 8123.

⁴ *C.G.*, Docket No. 25-0652 (issued July 25, 2025); *L.B.*, Docket No. 17-1891 (issued December 11, 2018); *J.T.*, 59 ECAB 293 (2008).

⁵ 20 C.F.R. § 10.320.

⁶ 5 U.S.C. § 8123(d); 20 C.F.R. § 10.323; *J.M.*, Docket No. 25-0755 (issued September 2, 2025); *C.G.*, *supra* note 4; *D.K.*, Docket No. 18-0217 (issued June 27, 2018).

⁷ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Developing and Evaluating Medical Evidence*, Chapter 2.810.13d (February 2022).

established, entitlement to compensation is suspended in accordance with section 8123(d) of FECA.⁸

ANALYSIS

The Board finds that OWCP properly suspended appellant's entitlement to compensation benefits effective August 22, 2025, pursuant to 5 U.S.C. § 8123(d), due to her failure to attend a scheduled medical evaluation.

In April 1 and May 1, 2025 letters, OWCP referred appellant to Dr. Tellefsen for a May 7, 2025 second opinion examination to determine the status of her accepted employment-related conditions. The case record establishes that appellant failed to attend the May 7, 2025 evaluation. In a May 1, 2025 e-mail to OWCP, appellant asserted that she would be unable to attend the May 7, 2025 second opinion examination due to her current medical conditions. In support thereof, she submitted an April 15, 2025 after-visit summary from Ms. Clark, a nurse practitioner, which noted her diagnosed medical conditions. However, nurse practitioners are not considered physicians as defined under FECA.⁹ Consequently, their medical findings and/or opinions will not suffice for purposes of establishing entitlement to FECA benefits.¹⁰ Appellant further contended that the updated SOAF provided to Dr. Tellefsen was inaccurate. However, her continued concerns with the updated SOAF were not clearly articulated. Furthermore, in a May 2, 2025 memorandum, OWCP indicated that appellant's concerns regarding the accuracy of her SOAF had been addressed. It verified that the SOAF was accurate and valid. Therefore, appellant has not established good cause for her failure to attend the May 7, 2025 OWCP-directed evaluation.

The determination of the need for an examination, the type of examination, the choice of locale, and the choice of medical examiners are matters within the province and discretion of OWCP.¹¹ The Board finds that OWCP did not abuse its discretion in directing appellant to appear for a second opinion examination with Dr. Tellefsen on May 7, 2025.¹² The Board thus finds that OWCP properly suspended appellant's wage-loss compensation, effective August 22, 2025, pursuant to 5 U.S.C. § 8123(d), due to her failure to attend a scheduled medical evaluation.

⁸ *Id.* at Chapter 2.810.13e.

⁹ 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 R.B.*, Docket No. 25-0361 (issued April 23, 2025) (nurse practitioners are not considered physicians under FECA and, therefore, are not competent to provide a medical opinion).

¹⁰ *Id.*

¹¹ *See supra* note 4.

¹² Abuse of discretion is generally shown through proof of manifest error, clearly unreasonable exercise of judgment, or actions taken which are contrary to both logic and probable deductions from established facts. *See M.N.*, Docket No. 19-1865 (issued May 29, 2020); *C.F.*, Docket No. 18-0791 (issued February 26, 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 OWCP properly suspended appellant's entitlement to compensation benefits effective August 22, 2025, pursuant to 5 U.S.C. § 8123(d), due to her failure to attend a scheduled medical evaluation.

ORDER

IT IS HEREBY ORDERED THAT the August 22, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: February 19, 2026
Washington, DC

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

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board