



## **ISSUES**

The issues are: (1) whether appellant has met his burden of proof to establish a medical condition causally related to the accepted January 27, 2025 employment incident; and (2) whether OWCP properly denied appellant's request for reconsideration of the merits of his claim, pursuant to 5 U.S.C. § 8128(a).

## **FACTUAL HISTORY**

On January 31, 2025 appellant, then a 35-year-old carrier assistant, filed a traumatic injury claim (Form CA-1) alleging that on January 27, 2025 he sustained a right foot injury when he slipped as he was carrying a large package down a flight of stairs and twisted his right foot while in the performance of duty. He stopped work on January 28, 2025.

In a February 12, 2025 development letter, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence required and provided a factual questionnaire for his completion. OWCP afforded appellant 60 days to submit the necessary evidence.

In a February 10, 2025 medical report, Dr. Alexander Francini, a Board-certified physiatrist, evaluated appellant on January 27, 2025 for right foot pain. He noted a history of plantar fasciitis from 2021 with slight improvement after medication management. Dr. Francini diagnosed plantar fasciitis, recommended physical therapy, and provided modified work restrictions.

In a state workers' compensation form dated February 10, 2025, Dr. Francini reported that appellant had been a mail carrier for approximately two months and sustained a right foot injury on January 27, 2025. Physical examination revealed tenderness in the plantar fascia and insertion of the plantar fascia of the right foot and toes. Dr. Francini diagnosed plantar fasciitis and provided modified work restrictions.

On February 10, 2025 appellant was treated by Emily Fine, a physical therapist assistant, and again on February 11 and 13, 2025 by Nick Akapatangkul, a physical therapist.

In a February 12, 2025 work activity status report, Dr. Francini reiterated his diagnosis and released appellant to modified work on that day. An x-ray of the right foot of even date revealed an impression of no acute bony abnormality.

In a February 19, 2025 attending physician's report (Form CA-20), Dr. Francini diagnosed plantar fasciitis due to walking as a carrier and as a result of flat feet and being overweight. In response to the question of whether the condition was caused or aggravated by the employment activity described, he opined that the foot pain was due to long periods of walking as appellant was a new employee with flat feet who was overweight. Dr. Francini determined that appellant was partially disabled from work commencing February 10, 2025, with an anticipated return to work date of March 15, 2025. In a work activity status report of even date, he reiterated his diagnosis and released appellant to modified work.

In a separate report also dated February 19, 2025, Dr. Francini documented appellant's evaluation findings and again diagnosed plantar fasciitis.

On February 22, 2025 appellant accepted a modified assignment as a city carrier assistant.

OWCP received additional physical therapy reports dated February 19 through 21, 2025 from Kelly Araujo, a physical therapist.

Thereafter, appellant submitted a February 27, 2025 work activity status note, wherein Dr. Francini diagnosed plantar fasciitis and released appellant to modified-duty work, noting that he could lift up to 40 pounds constantly and should take a 10-minute break from repetitive work every hour.

In a progress report dated February 27, 2025, Dr. Francini reported that appellant presented for evaluation of a presumed industrial injury sustained on January 27, 2025, noting a history of plantar fasciitis from 2021. Upon evaluation, he reported improvement since appellant's last visit, as he had been placed on desk work. Dr. Francini released appellant to modified-duty work and referred him for physical therapy.

Appellant also submitted a February 27, 2025 progress report wherein Kimberly Tran, a nurse practitioner, documented treatment for plantar fasciitis and provided work restrictions.

By decision dated April 28, 2025, OWCP denied appellant's claim, finding that the evidence of record was insufficient to establish a medical condition causally related to the accepted January 27, 2025 employment incident.

On June 16, 2025 appellant requested reconsideration and submitted a statement in support of his claim. He asserted that his preexisting condition was aggravated on January 27, 2025 when he slightly rolled his right ankle and landed on his right foot in a twisted position when delivering a large package. Appellant reported no symptoms prior to this injury, as his plantar fasciitis was dormant until his employment duties caused his symptoms to flare.

By decision dated July 9, 2025, OWCP denied appellant's request for reconsideration of the merits of his claim, pursuant to 5 U.S.C. § 8128(a).

### **LEGAL PRECEDENT -- ISSUE 1**

An employee seeking benefits under FECA<sup>3</sup> 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,<sup>4</sup> 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

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<sup>3</sup> *Id.*

<sup>4</sup> *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).

employment injury.<sup>5</sup> 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.<sup>6</sup>

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it first must be determined whether fact of injury has been established. First, the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time and place, and in the manner alleged. Second, the employee must submit sufficient medical evidence to establish that the employment incident caused an injury.<sup>7</sup>

The medical evidence required to establish causal relationship between a claimed specific condition and an employment incident is rationalized medical opinion evidence.<sup>8</sup> The opinion of the physician must be based on a complete factual and medical background of the employee, must be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and specific employment incident identified by the employee.<sup>9</sup>

### **ANALYSIS -- ISSUE 1**

The Board finds that appellant has not met his burden of proof to establish a medical condition causally related to the accepted January 27, 2025 employment incident.

In support of his claim, appellant submitted work status notes, medical forms, and reports dated February 10 through 27, 2025 from Dr. Francini diagnosing right plantar fasciitis, documenting examination findings and detailing treatment for his condition. Dr. Francini discussed the accepted January 27, 2025 employment incident and noted a prior history of plantar fasciitis from 2021. He, however, did not offer an opinion regarding the cause of appellant's condition.<sup>10</sup> The Board has held that medical evidence that does not offer an opinion regarding the cause of an employee's condition is of no probative value on the issue of causal relationship.<sup>11</sup> Therefore, this evidence is insufficient to establish appellant's claim.

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<sup>5</sup> *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).

<sup>6</sup> *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).

<sup>7</sup> *H.M.*, Docket No. 22-0343 (issued June 28, 2022); *T.J.*, Docket No. 19-0461 (issued August 11, 2020); *K.L.*, Docket No. 18-1029 (issued January 9, 2019); *John J. Carlone*, 41 ECAB 354 (1989).

<sup>8</sup> *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).

<sup>9</sup> *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).

<sup>10</sup> *S.S.*, Docket No. 18-0081 (issued August 22, 2018).

<sup>11</sup> See *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

In a February 19, 2025 Form CA-20 report, Dr. Francini diagnosed plantar fasciitis due to walking as a carrier and being overweight. He opined that the foot pain was due to long periods of walking as appellant was a new employee who was overweight with flat feet. Dr. Francini's opinion as to the cause of appellant's diagnosed conditions, however, lacked medical rationale explaining how the accepted January 27, 2025 employment incident caused his right foot condition.<sup>12</sup> Furthermore, a medical report is of limited probative value on the issue of causal relationship if it contains an opinion regarding causal relationship which is unsupported by medical rationale.<sup>13</sup> Medical rationale is particularly necessary where, as here, there are preexisting conditions involving some of the same body parts.<sup>14</sup>

Appellant also submitted reports dated February 10 through 21, 2025 from physical therapists and a February 27, 2025 report from Ms. Tran, a nurse practitioner, documenting treatment for his right foot condition. The Board has held, however, that medical reports signed solely by a physician assistant, registered nurse, or physical therapist are of no probative value as such healthcare providers are not considered physicians as defined under FECA and are, therefore, not competent to provide medical opinions.<sup>15</sup> Consequently, their medical findings and/or opinions will not suffice for the purpose of establishing entitlement to FECA benefits.<sup>16</sup> Accordingly, these reports are insufficient to establish the claim.

The remaining medical evidence consists of a February 12, 2025 x-ray of the right foot. The Board has held that diagnostic studies, standing alone, lack probative value as they do not address whether the employment factors caused any of the diagnosed conditions.<sup>17</sup> Such reports are therefore insufficient to establish appellant's claim.

As the medical evidence of record is insufficient to establish a medical condition causally related to the accepted January 27, 2025 employment incident, the Board finds that appellant has not met his burden of proof.

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<sup>12</sup> *S.M.*, Docket No. 24-0542 (issued July 11, 2024); *T.W.*, Docket No. 20-0767 (issued January 13, 2021); *L.D.*, Docket No. 19-1301 (issued January 29, 2020); *S.C.*, Docket No. 18-1242 (issued March 13, 2019).

<sup>13</sup> *J.H.*, Docket No. 24-0415 (issued May 23, 2024); *C.C.*, Docket No. 15-1056 (issued April 4, 2016); *see T.M.*, Docket No. 08-975 (issued February 6, 2009); *Roma A. Mortenson-Kindschi*, 57 ECAB 418 (2006); *William C. Thomas*, 45 ECAB 591 (1994).

<sup>14</sup> *R.W.*, Docket No. 19-0844 (issued May 29, 2020); *A.M.*, Docket No. 19-1138 (issued February 18, 2020); *A.J.*, Docket No. 18-1116 (issued January 23, 2019).

<sup>15</sup> 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 also* 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); *H.S.*, Docket No. 20-0939 (issued February 12, 2021) (physician assistants are not considered physicians as defined under FECA).

<sup>16</sup> *Id.*

<sup>17</sup> *See M.P.*, Docket No. 23-1131 (issued June 18, 2024); *V.A.*, Docket No. 21-1023 (issued March 6, 2023); *M.K.*, Docket No. 21-0520 (issued August 23, 2021); *F.D.*, Docket No. 19-0932 (issued October 3, 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.

### **LEGAL PRECEDENT -- ISSUE 2**

Section 8128(a) of FECA vests OWCP with discretionary authority to determine whether to review an award for or against compensation. The Secretary of Labor may review an award for or against compensation at any time on his or her own motion or on application.<sup>18</sup>

To require OWCP to reopen a case for merit review pursuant to FECA, the claimant must provide evidence or an argument which: (1) shows that OWCP erroneously applied or interpreted a specific point of law; (2) advances a relevant legal argument not previously considered by OWCP; or (3) constitutes relevant and pertinent new evidence not previously considered by OWCP.<sup>19</sup>

A request for reconsideration must be received by OWCP within one year of the date of OWCP's decision for which review is sought.<sup>20</sup> If it chooses to grant reconsideration, it reopens and reviews the case on its merits.<sup>21</sup> If the request is timely, but fails to meet at least one of the requirements for reconsideration, OWCP will deny the request for reconsideration without reopening the case for review on the merits.<sup>22</sup>

### **ANALYSIS -- ISSUE 2**

The Board finds that OWCP properly denied appellant's request for reconsideration of the merits of his claim, pursuant to 5 U.S.C. § 8128(a).

Appellant's April 28, 2025 request for reconsideration did not allege or demonstrate that OWCP erroneously applied or interpreted a specific point of law. Additionally, it did not advance a relevant legal argument not previously considered by OWCP. Consequently, appellant is not entitled to further review of the merits of his claim based on either the first or second above-noted requirements under 20 C.F.R. § 10.606(b)(3).

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<sup>18</sup> 5 U.S.C. § 8128(a); *see R.C.*, Docket No. 22-0612 (issued October 24, 2022); *M.S.*, Docket No. 19-1001 (issued December 9, 2019); *L.D.*, Docket No. 18-1468 (issued February 11, 2019); *see also V.P.*, Docket No. 17-1287 (issued October 10, 2017); *W.C.*, 59 ECAB 372 (2008).

<sup>19</sup> 20 C.F.R. § 10.606(b)(3); *see R.C.*, *id.*; *L.D.*, *id.*

<sup>20</sup> *Id.* at § 10.607(a). The one-year period begins on the next day after the date of the original contested decision. Federal (FECA) Procedure Manual, Part 2 -- Claims, *Reconsiderations*, Chapter 2.1602.4 (September 2020). Timeliness is determined by the document receipt date of the request for reconsideration as indicated by the received date in the Integrated Federal Employees' Compensation System (iFECS). *Id.* at Chapter 2.1602.4b.

<sup>21</sup> *Id.* at § 10.608(a); *see also M.S.*, 59 ECAB 231 (2007).

<sup>22</sup> *Id.* at § 10.608(b); *M.S.*, Docket No. 19-0291 (issued June 21, 2019); *E.R.*, Docket No. 09-1655 (issued March 18, 2010).

In support of his reconsideration request, appellant submitted a statement where he asserted that his preexisting condition was aggravated on January 27, 2025 when he slightly rolled his right ankle and landed on his right foot in a twisted position when he was delivering a large package while in the performance of duty. However, this evidence is irrelevant to the underlying issue in this case, *i.e.*, whether appellant established a medical condition causally related to the accepted January 27, 2025 employment incident. This issue is medical in nature and requires rationalized medical opinion evidence to resolve the issue.<sup>23</sup> The Board has held that the submission of evidence, which does not address the particular issue involved does not constitute a basis for reopening a case.<sup>24</sup> Because appellant did not submit relevant and pertinent new evidence with his request for reconsideration, he is not entitled to a review of the merits based on the third requirement under 20 C.F.R. § 10.606(b)(3).<sup>25</sup>

The Board, therefore, finds that appellant has not met any of the requirements of 20 C.F.R. § 10.606(b)(3).<sup>26</sup> Pursuant to 20 C.F.R. § 10.608, OWCP properly denied merit review.<sup>27</sup>

### **CONCLUSION**

The Board finds that appellant has not met his burden of proof to establish a medical condition causally related to the accepted January 27, 2025 employment incident. The Board further finds OWCP properly denied appellant's request for reconsideration of the merits of his claim, pursuant to 5 U.S.C. § 8128(a).

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<sup>23</sup> *R.M.*, Docket No. 21-0963 (issued April 19, 2023).

<sup>24</sup> *P.G.*, Docket No. 24-0404 (issued September 17, 2024); *C.C.*, Docket No. 22-1240 (issued June 27, 2023); *D.P.*, Docket No. 13-1849 (issued December 19, 2013); *Edward Matthew Diekemper*, 31 ECAB 224, 225 (1979).

<sup>25</sup> See 20 C.F.R. § 10.606(b)(3)(iii); see also *S.W.*, Docket No. 25-0261 (issued February 24, 2025).

<sup>26</sup> *R.G.*, Docket No. 25-0390 (issued April 9, 2025).

<sup>27</sup> *W.P.*, Docket No. 25-0367 (issued April 4, 2025).

**ORDER**

**IT IS HEREBY ORDERED THAT** the April 28 and July 9, 2025 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: February 13, 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