



## **ISSUE**

The issue is whether appellant has met his burden of proof to establish disability from work for the period January 11 through April 18, 2014, causally related to his accepted September 25, 2013 employment injury.

## **FACTUAL HISTORY**

This case was previously before the Board on different issues.<sup>3</sup> The facts and circumstances as set forth in the Board's prior decisions are incorporated herein by reference. The relevant facts are as follows.

On September 30, 2013 appellant, then a 53-year-old city carrier, filed a traumatic injury claim (Form CA-1) alleging that on September 25, 2013 he injured his right thigh and upper leg when he missed a step and jammed his leg while in the performance of duty.<sup>4</sup> He stopped work on September 28, 2013.

By decision dated December 4, 2013, OWCP accepted that the September 25, 2013 employment incident occurred, as alleged, but denied appellant's traumatic injury claim, finding that the medical evidence of record was insufficient to establish a medical diagnosis in connection with the accepted employment incident. It concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

On December 19, 2013 appellant requested reconsideration and by decision dated February 20, 2014, OWCP modified the December 4, 2013 decision to find that the medical evidence of record was sufficient to establish a diagnosed medical condition in connection with the accepted September 25, 2013 employment incident. However, the claim remained denied as the medical evidence of record was insufficient to establish causal relationship between the diagnosed medical condition and the accepted employment incident.

Appellant continued to request reconsideration. By decision dated December 5, 2023, OWCP reviewed the merits of his case and vacated its prior decision. By separate decision also dated December 5, 2023, it formally accepted appellant's claim for trochanteric bursitis, right hip (resolved); gluteal tendinitis, right hip (resolved); iliotibial band syndrome, right leg (resolved); unspecified fracture of right acetabulum for closed fracture (resolved); permanent aggravation of other intervertebral disc degeneration, lumbar region; and permanent aggravation of radiculopathy, lumbar region as causally related to the accepted September 25, 2013 employment incident.

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<sup>3</sup> Docket No. 19-1700 (issued April 30, 2020); Docket No. 15-1248 (issued June 14, 2016).

<sup>4</sup> OWCP assigned the present claim OWCP File No. xxxxxx848. Appellant has a prior claim before OWCP. Under OWCP File No. xxxxxx282, OWCP accepted appellant's July 10, 2007 traumatic injury claim for right shoulder tendinitis. Following the filing of the present claim, appellant filed an occupational disease claim (Form CA-2) for an injury on or about March 6, 2023 under OWCP File No. xxxxxx079. OWCP accepted the claim for median nerve at wrist and hand level right arm. It has not administratively combined appellant's claims.

On January 5, 2024 appellant filed a claim for compensation (Form CA-7) for disability from work for the period January 11 through April 18, 2014.

In a development letter dated January 12, 2024, OWCP informed appellant of the deficiencies of his claim for disability. It advised him of the type of medical evidence required and afforded him 30 days to respond.

An October 30, 2013 duty status report (Form CA-17) from a healthcare provider with an illegible signature noted a date of injury as September 25, 2013, and provided clinical findings of leg/knee pain. The provider indicated that appellant was unable to perform his regular work and set forth his work restrictions.

A November 19, 2013 CA-17 form from another healthcare provider with an illegible signature provided a diagnosis of acetabular fracture due to the September 25, 2013 employment injury, and indicated that appellant was unable to perform his regular work.

OWCP also received a series of reports dated March 10, 2014 through April 3, 2019, wherein Dr. Brian P. Giersch, an attending Board-certified physiatrist, diagnosed status post near fall with resultant right paralumbar, gluteal and right lower extremity discomfort/sensory disturbance and lateral femoral cutaneous neuropathy due to his September 25, 2013 employment injury and set forth his physical restrictions.

In the April 22, 2014 CA-17 form, Dr. Giersch diagnosed sensory impairment of the right thigh and lateral femoral neuropathy. He advised that appellant was unable to perform his regular work.

In a June 4, 2014 letter, the employing establishment indicated that there was no work available within appellant's work restrictions.

OWCP, in a letter dated February 28, 2024, requested that the employing establishment provide whether work was available within appellant's restrictions during the period January 11 through April 18, 2014.

In a response letter dated March 6, 2024, the employing establishment related that there was no opportunity to accommodate appellant's restrictions since he did not request light-duty work to accommodate his restrictions as required by his craft contract.

OWCP subsequently received additional medical evidence. In a December 15, 2023 report, Dr. Joshua T. Nicholson, a Board-certified physiatrist, noted a history of injury that on March 6, 2023 appellant sustained cervical spondylosis resulting in right-sided neck pain right shoulder pain, right radiating arm paresthesias, and right carpal tunnel syndrome due to repetitively lifting boxes at work. He discussed findings on physical examination and reviewed diagnostic test results. Dr. Nicholson provided an impression of cervical spondylosis with right cervical radiculopathy and restricted appellant from repetitively lifting more than 15 boxes at a time and lifting packages weighing between 10 to 40 pounds. He advised that appellant could continue to perform other responsibilities of his regular job. Dr. Nicholson noted that his restrictions were medically necessary and would continue indefinitely or until further notice.

By decision dated April 16, 2024, OWCP denied appellant's claim for compensation, finding that the medical evidence of record was insufficient to establish disability from work during the period January 11 through April 18, 2024, due to his accepted September 25, 2013 employment injury.

On April 22, 2024 OWCP issued a corrected decision denying appellant's claim for compensation, finding that the medical evidence of record was insufficient to establish disability from work during the period January 11 through April 18, 2014, due to his accepted September 25, 2013 employment injury.

OWCP received reports dated January 30 and February 4, 2014, wherein Dr. Byran J. Pack, a Board-certified orthopedic surgeon, noted appellant's history of injury, his current complaint of right knee pain radiating to his feet and back up to his back, and that he was off work. Dr. Pack further noted that appellant's right hip was treated with physical therapy and that he had been referred to a spine specialist.

On September 3, 2024 appellant requested reconsideration and submitted additional reports dated April 3, 2014 and August 19, 2015, wherein Dr. Giersch provided appellant's physical restrictions.

By decision dated November 8, 2024, OWCP denied modification of the April 22, 2024 decision, finding that the medical evidence submitted was insufficient to establish that appellant was totally disabled from work during the claimed period due to his accepted September 25, 2013 employment injury.

On March 26, 2025 appellant, through his representative, requested reconsideration.

By decision dated June 12, 2025, OWCP denied modification of the November 8, 2024 decision.

### **LEGAL PRECEDENT**

An employee seeking benefits under FECA<sup>5</sup> has the burden of proof to establish the essential elements of his or her claim,<sup>6</sup> including that any disability or specific condition for which compensation is claimed is causally related to the employment injury.<sup>7</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>8</sup> Whether a particular injury causes an

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<sup>5</sup> *Supra* note 2.

<sup>6</sup> *See L.S.*, Docket No. 18-0264 (issued January 28, 2020); *B.O.*, Docket No. 19-0392 (issued July 12, 2019).

<sup>7</sup> *See S.F.*, Docket No. 20-0347 (issued March 31, 2023); *D.S.*, Docket No. 20-0638 (issued November 17, 2020); *F.H.*, Docket No. 18-0160 (issued August 23, 2019); *C.R.*, Docket No. 18-1805 (issued May 10, 2019); *Kathryn Haggerty*, 45 ECAB 383 (1994); *Elaine Pendleton*, 40 ECAB 1143 (1989).

<sup>8</sup> *T.W.*, Docket No. 19-1286 (issued January 13, 2020).

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>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 appellant, must 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>

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>11</sup>

### ANALYSIS

The Board finds that appellant has not met his burden of proof to establish disability from work for the period January 11 through April 18, 2014, causally related to his accepted September 25, 2013 employment injury.

In an April 22, 2014 CA-17 form report, Dr. Giersch diagnosed lateral femoral cutaneous neuropathy due to the accepted September 25, 2013 employment injury and advised that appellant was unable to perform his regular work. However, he did not explain with medical rationale how/why appellant's disability from work during the claimed period was causally related to the accepted September 25, 2013 employment injury. As noted above, 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 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 September 25, 2013 employment injury.<sup>12</sup> Thus, this evidence is insufficient to establish appellant's disability claim.

Moreover, in his remaining reports dated March 10, 2014 through April 3, 2019, Dr. Giersch did not provide an opinion regarding disability from work during the period January 11 through April 18, 2014, causally related to the accepted September 25, 2013 employment injury. The Board has held that medical evidence that does not offer an opinion regarding the cause of an employee's condition or disability is of no probative value on the issue

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<sup>9</sup> *S.G.*, Docket No. 18-1076 (issued April 11, 2019); *Fereidoon Kharabi*, 52 ECAB 291-92 (2001).

<sup>10</sup> See *C.L.*, Docket No. 26-0005 (issued January 29, 2026); *B.P.*, Docket No. 23-0909 (issued December 27, 2023); *D.W.*, Docket No. 20-1363 (issued September 14, 2021); *Y.S.*, Docket No. 19-1572 (issued March 12, 2020).

<sup>11</sup> See *M.J.*, Docket No. 19-1287 (issued January 13, 2020); *William A. Archer*, 55 ECAB 674 (2004); *Fereidoon Kharabi*, *supra* note 9.

<sup>12</sup> See *supra* note 10.

of causal relationship.<sup>13</sup> Therefore, this evidence is insufficient to establish appellant's disability claim.

In reports dated January 30 and February 4, 2014, Dr. Pack noted appellant's history of injury and current complaint of right knee pain radiating to his feet and back up to his back. The Board has held that pain is a description of a symptom, not a clear diagnosis of a medical condition.<sup>14</sup> Dr. Pack also noted that appellant was off work. While Dr. Pack provided a general opinion that appellant was off work at the time of his examination, he did not specifically address the claimed period of disability from January 11 through April 18, 2014, or attribute appellant's inability to work due to the accepted September 25, 2013 employment injury.<sup>15</sup> Thus, this evidence is insufficient to establish appellant's disability claim.<sup>16</sup>

Appellant submitted Dr. Nicholson's December 15, 2023 report. However, this report postdates the claimed period of disability and does not, otherwise, address appellant's inability to work for the period January 11 through April 18, 2014.<sup>17</sup> As such, it is of no probative value and thus insufficient to establish appellant's disability claim.

Appellant also submitted CA-17 forms dated October 30 and November 19, 2013 from healthcare providers with illegible signatures. The Board has held that reports that are unsigned or bear an illegible signature lack proper identification and cannot be considered probative medical evidence as the author cannot be identified as a physician.<sup>18</sup> Therefore, these reports are also of no probative value and are insufficient to establish appellant's disability claim.

As the medical evidence of record is insufficient to establish causal relationship between the claimed period of disability and the accepted September 25, 2013 employment injury, the Board finds that appellant has not met his 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.

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<sup>13</sup> *B.B.*, Docket No. 25-0661 (issued September 9, 2025); *G.R.*, Docket No. 25-0540 (issued June 26, 2025); *E.M.*, Docket No. 25-0060 (issued June 17, 2025); *A.B.*, Docket No. 25-0205 (issued January 28, 2025); *F.S.*, Docket No. 23-0112 (issued April 26, 2023); *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

<sup>14</sup> *D.R.*, Docket No. 18-1408 (issued March 1, 2019); *D.A.*, Docket No. 18-0783 (issued November 8, 2018).

<sup>15</sup> See *C.L.*, *supra* note 10; *S.J.*, Docket No. 17-0828 (issued December 20, 2017); *Kathryn E. DeMarsh*, 56 ECAB 677 (2005).

<sup>16</sup> *Id.*; see also *E.T.*, Docket No. 23-0001 (issued July 12, 2023).

<sup>17</sup> *M.T.*, Docket No. 24-0465 (issued September 27, 2024); *S.H.*, Docket No. 21-0640 (issued February 2, 2023); *M.A.*, Docket No. 19-1119 (issued November 25, 2019).

<sup>18</sup> *T.L.*, Docket No. 23-1039 (issued February 23, 2024); *A.S.*, Docket No. 21-1263 (issued July 24, 2023); *C.S.*, Docket No. 20-1354 (issued January 29, 2021); *D.T.*, Docket No. 20-0685 (issued October 8, 2020); *Merton J. Sills*, 39 ECAB 572, 575 (1988).

**CONCLUSION**

The Board finds that appellant has not met his burden of proof to establish disability from work for the period January 11 through April 18, 2014, causally related to his accepted September 25, 2013 employment injury.

**ORDER**

**IT IS HEREBY ORDERED THAT** the June 12, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: February 18, 2026  
Washington, DC

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

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge  
Employees' Compensation Appeals Board