

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

---

S.D., Appellant )

and )

U.S. POSTAL SERVICE, BOGGS ROAD POST )  
OFFICE, Duluth, GA, Employer )

---

**Docket No. 26-0088**  
**Issued: February 19, 2026**

*Appearances:*

*Alan J. Shapiro, Esq., for the appellant<sup>1</sup>*  
*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 November 17, 2025 appellant, through counsel, filed a timely appeal from a November 6, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act<sup>2</sup> (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.<sup>3</sup>

---

<sup>1</sup> In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; *see also* 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

<sup>2</sup> 5 U.S.C. § 8101 *et seq.*

<sup>3</sup> The Board notes that, following the November 6, 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 a right shoulder condition causally related to the accepted October 21, 2024 employment incident.

## **FACTUAL HISTORY**

On October 28, 2024 appellant, then a 44-year-old carrier technician, filed a traumatic injury claim (Form CA-1) alleging that on October 21, 2024 she injured her right shoulder while in the performance of duty. She explained that she had a previous right shoulder injury from delivering mail that was “reinjured” when she moved and power-jacked 16 gaylords and staged mail on October 21, 2024. Appellant stopped work on the date of injury and returned to work on October 23, 2024.

In a November 5, 2024 development letter, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of additional factual and medical evidence required and provided a questionnaire for her completion. OWCP afforded appellant 60 days to submit the necessary evidence.

In a follow-up letter dated November 27, 2024, OWCP advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish her claim. It noted that she had 60 days from the November 5, 2024 letter to submit the requested supporting evidence. OWCP further advised that if the evidence was not received during this time, it would issue a decision based on the evidence contained in the record.

OWCP thereafter received a form report dated November 11, 2024, a letter dated November 15, 2024, and discharge documentation dated November 18, 2024, wherein Dr. Timilehin Wusu, a Board-certified orthopedic surgeon, indicated that appellant underwent a right shoulder arthroscopy on November 18, 2024. He opined that she was totally disabled from work as of November 18, 2024 and anticipated that she would be able to return to work on February 25, 2025.

In a November 24, 2024 response to OWCP’s development questionnaire, appellant indicated that, on October 21, 2024, she staged gaylord mail containers for a late-arriving truck and that she injured her right shoulder while using a power jack. Appellant also noted that she had previously injured her right arm while delivering mail.

By decision dated January 8, 2025, OWCP denied appellant’s traumatic injury claim, finding that the medical evidence of record was insufficient to establish a diagnosed medical condition in connection with the accepted October 21, 2024 employment incident.

On February 7, 2025 appellant, through counsel, requested an oral hearing before a representative of OWCP’s Branch of Hearings and Review.

In support thereof, appellant submitted a medical report dated October 25, 2024, wherein Dr. Wusu related appellant’s complaints of pain in her right shoulder. He noted that she “previously had shoulder pain from delivering mail,” and she “also had a motor vehicle accident earlier this year with a recurrence of pain.” Dr. Wusu performed a physical examination of the right shoulder and observed mild tenderness over the acromioclavicular (AC) joint, marked

tenderness over the biceps tendon and musculature, tenderness over the right side lateral paracervical spinal muscles and trapezius, and significant tenderness over the extensor mobile wad of the forearm. He also observed positive Neers, Hawkins, Speeds, and O'Brien's tests with weakness and pain. Dr. Wusu obtained x-rays of the right shoulder and cervical spine, which were unremarkable. He diagnosed neck pain and superior labrum anterior-to-posterior (SLAP) lesion of right shoulder. Dr. Wusu noted that "this is similar to the pain that [appellant] had several years ago that seemed to resolve with some physical therapy but has returned." He recommended further imaging of the right shoulder.

In follow-up reports dated November 6, 2024 through March 13, 2025, Dr. Wusu indicated that he had personally reviewed a magnetic resonance imaging (MRI) scan of the right shoulder dated November 4, 2024 and observed a labral tear and high-grade interstitial tearing of the superior rotator cuff and supraspinatus without retraction. He documented examination findings and diagnosed rotator cuff tear, SLAP tear, biceps tendonitis, subacromial impingement, and AC joint arthritis on the right. On November 18, 2024 Dr. Wusu performed a right shoulder arthroscopy with rotator cuff repair, biceps tenotomy and tenodesis, repair of SLAP tear, subacromial decompression, and distal clavicle resection. He treated appellant postoperatively with medication and therapeutic exercises and released her to return to work with restrictions effective March 31, 2025.

A hearing was held on April 9, 2025.

OWCP subsequently received medical evidence documenting her preexisting right shoulder injury.

In medical reports dated April 11 and 29, 2025, Dr. Wusu diagnosed frozen right shoulder and administered an injection.

By decision dated June 23, 2025, OWCP's hearing representative modified the January 8, 2025 decision to find that the medical evidence of record was sufficient to establish diagnosed right shoulder conditions in connection with the accepted October 21, 2024 employment incident. However, the claim remained denied as the medical evidence of record was insufficient to establish causal relationship between appellant's diagnosed right shoulder conditions and the accepted October 21, 2024 employment incident.

OWCP continued to receive evidence, including an August 22, 2025 medical report by Dr. Wusu, who noted that he performed manipulation under anesthesia for appellant's frozen right shoulder on June 11, 2025. He reviewed his initial treatment note of October 25, 2024 and opined that it "is very reasonable that the repetitive nature of [her] job require [sic] upper extremity work especially on the right side could have exasperated [her] pain or initiated the pain that [she is] experiencing that is left with the surgery."

On October 20, 2025 appellant, through counsel, requested reconsideration of OWCP's June 23, 2025 decision.

By decision dated November 6, 2025, OWCP denied modification of its June 23, 2025 decision.

## LEGAL PRECEDENT

An employee seeking benefits under FECA has the burden of proof to establish the essential elements of his or her claim, including the fact that the individual is an employee of the United States within the meaning of FECA,<sup>4</sup> that the claim was timely filed within the applicable time limitation period of FECA, 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 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. There are two components involved in establishing fact of injury. The first component is that 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. The second component is whether 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>

In any case where a preexisting condition involving the same part of the body is present and the issue of causal relationship therefore involves aggravation, acceleration, or precipitation, the physician must provide a rationalized medical opinion that differentiates between the effects of the work-related injury or disease and the preexisting condition.<sup>10</sup>

---

<sup>4</sup> *K.R.*, Docket No. 20-0995 (issued January 29, 2021); *A.W.*, Docket No. 19-0327 (issued July 19, 2019); *S.B.*, Docket No. 17-1779 (issued February 7, 2018); *J.P.*, 59 ECAB 178 (2007); *Joe D. Cameron*, 41 ECAB 153 (1989).

<sup>5</sup> *J.M.*, Docket No. 17-0284 (issued February 7, 2018); *R.C.*, 59 ECAB 427 (2008); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

<sup>6</sup> *J.B.*, Docket No. 20-1566 (issued August 31, 2021); *K.M.*, Docket No. 15-1660 (issued September 16, 2016); *L.M.*, Docket No. 13-1402 (issued February 7, 2014); *Delores C. Ellyett*, 41 ECAB 992 (1990).

<sup>7</sup> *T.H.*, Docket No. 19-0599 (issued January 28, 2020); *K.L.*, Docket No. 18-1029 (issued January 9, 2019); *John J. Carlone*, 41 ECAB 354 (1989).

<sup>8</sup> *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> *A.S.*, Docket No. 19-1955 (issued April 9, 2020); *Leslie C. Moore*, 52 ECAB 132 (2000).

<sup>10</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.805.3e (May 2023); *K.M.*, Docket No. 25-0649 (issued August 19, 2025); *K.G.*, Docket No. 18-1598 (issued January 7, 2020); *M.S.*, Docket No. 19-0913 (issued November 25, 2019).

## **ANALYSIS**

The Board finds that appellant has not met her burden of proof to establish a right shoulder condition causally related to the accepted October 21, 2024 employment incident.

In his August 22, 2025 medical report, Dr. Wusu opined that the repetitive nature of her job “could have” initiated or exacerbated her right shoulder pain. The Board has held that medical opinions that are speculative or equivocal in character have little probative value.<sup>11</sup> Therefore, Dr. Wusu’s August 22, 2025 report is insufficient to establish appellant’s claim.

In evidence dated October 25, 2024 through April 29, 2025, Dr. Wusu diagnosed right rotator cuff tear, SLAP tear, biceps tendonitis, subacromial impingement, AC joint arthritis, and frozen shoulder. He did not, however, offer an opinion regarding the cause of these conditions. The Board has held that an opinion which does not address the cause of an employee’s condition is of no probative value on the issue of causal relationship.<sup>12</sup> Thus, these reports are insufficient to establish the claim.

The remaining evidence of record consists of x-rays and an MRI scan. The Board has held that diagnostic reports, standing alone, lack probative value on the issue of causal relationship as they do not provide an opinion as to whether the accepted employment incident caused a diagnosed condition.<sup>13</sup> Therefore, this evidence is also insufficient to establish the claim.

As the medical evidence of record is insufficient to establish causal relationship between the diagnosed right shoulder conditions and the accepted October 21, 2024 employment incident, the Board finds that appellant has not met her 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 and 20 C.F.R. §§ 10.605 through 10.607.

## **CONCLUSION**

The Board finds that appellant has not met her burden of proof to establish a right shoulder condition causally related to the accepted October 21, 2024 employment incident.

---

<sup>11</sup> See *B.D.*, Docket No. 25-0852 (issued December 1, 2025); *L.B.*, Docket No. 23-0099 (issued July 26, 2023); *C.C.*, Docket No. 22-0609 (issued October 25, 2022); *H.A.*, Docket No. 18-1455 (issued August 23, 2019); *Ricky S. Storms*, 52 ECAB 349 (2001) (while the opinion of a physician supporting causal relationship need not be one of absolute medical certainty, the opinion must not be speculative or equivocal. The opinion should be expressed in terms of a reasonable degree of medical certainty).

<sup>12</sup> *T.D.*, Docket No. 19-1779 (issued March 9, 2021); *L.B.* Docket No. 18-0533 (issued August 27, 2018); *D.K.* Docket No. 17-1549 (issued July 6, 2018).

<sup>13</sup> *W.M.*, Docket No. 19-1853 (issued May 13, 2020); *L.F.*, Docket No. 19-1905 (issued April 10, 2020).

**ORDER**

**IT IS HEREBY ORDERED THAT** the November 6, 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