

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

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**F.A., Appellant**

**and**

**U.S. POSTAL SERVICE, GRAVESEND  
STATION POST OFFICE, Brooklyn, NY,  
Employer**

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) **Docket No. 24-0014**  
) **Issued: January 30, 2026**  
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*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 October 8, 2023, appellant filed a timely appeal from July 3, August 31, and September 14 and 19, 2023 merit decisions of the Office of Workers' Compensation Programs (OWCP).<sup>1</sup> 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>

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<sup>1</sup> The Board notes that during the pendency of this appeal, OWCP issued decisions dated November 2 and 17, 2023, April 25 and November 5, 2024, and February 20 and August 21, 2025, denying modification of the July 3, 2023 termination. These decisions are null and void as the Board and OWCP may not simultaneously exercise jurisdiction over the same underlying issue in a case on appeal. 20 C.F.R. §§ 501.2(c)(3), 10.626; *see e.g., M.C.*, Docket No. 18-1278 (issued March 7, 2019); *Lawrence Sherman*, 55 ECAB 359, 360 n.4 (2004); *Douglas E. Billings*, 41 ECAB 880 (1990).

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

<sup>3</sup> The Board notes that following the September 19, 2023 decision, OWCP received additional evidence. 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.*

## **ISSUES**

The issues are: (1) whether appellant received an overpayment of compensation in the amount of \$1,581.29 for the period January 25 through February 25, 2023 because she continued to receive wage-loss compensation for total disability following her return to part-time work; (2) whether OWCP properly found appellant at fault in the creation of the overpayment, thereby precluding waiver of recovery of the overpayment; (3) whether OWCP met its burden of proof to terminate appellant's wage-loss compensation and medical benefits, effective July 3, 2023, as she no longer had disability or residuals causally related to her December 11, 2021 employment injury; and (4) whether appellant has met her burden of proof to establish continuing disability or residuals on or after July 3, 2023, causally related to her accepted December 11, 2021 employment injury.

## **FACTUAL HISTORY**

On December 14, 2021 appellant, then a 30-year-old city carrier, filed a traumatic injury claim (Form CA-1) alleging that on December 11, 2021, she sustained a right knee contusion when a postal van door swung back on her right leg in the performance of duty. She stopped work on December 12, 2021. OWCP accepted the claim for right knee contusion. It paid appellant wage-loss compensation on the supplemental rolls commencing January 27, 2022, and on the periodic rolls commencing June 19, 2022.

In a letter dated July 7, 2022, OWCP outlined appellant's entitlement to compensation benefits and instructed that, if appellant worked during any portion of the covered period, and compensation payments were received *via* either paper checks or electronic funds transfer (EFT), she was to return the payment to OWCP even if she had already advised OWCP that she had returned to work. It noted that she was expected to monitor her EFT deposits carefully, at least every two weeks.

In a report dated November 30, 2022, Dr. Leonard Bleicher, a physiatrist, provided appellant's physical examination findings including right knee trace effusion, positive McMurray's test, and limited flexion. He released appellant to return to limited-duty part-time work beginning December 5, 2022 with restrictions. In a November 30, 2022 disability note, Dr. Bleicher released appellant to return to light-duty work on December 5, 2022 with restrictions for at least the next two months. The restrictions include no lifting more than 20 pounds, no frequent lifting of more than 10 pounds, and limited walking, standing, and climbing stairs.

In an attending physician's report (Form CA-20) of even date, Dr. Bleicher diagnosed right knee contusion/sprain and provided examination findings. He advised that appellant was partially disabled from December 5, 2022 through January 5, 2023. Dr. Bleicher determined that appellant was able to resume light-duty work as of December 5, 2022.

OWCP paid appellant wage-loss compensation for total disability on the supplemental rolls commencing January 1, 2023.

In a January 5, 2023 report, Dr. Bleicher concluded that appellant was to continue working her limited-duty part-time job for the next two months. His examination findings were unchanged from his prior report. Dr. Bleicher, in a Form CA-20 dated January 5, 2023, advised that appellant was partially disabled for the period December 5, 2022 through March 6, 2023. In a duty status report (Form CA-17) of even date, he diagnosed right knee tendon tear and released appellant to

return to limited-duty part-time work, effective November 30, 2022. On January 25, 2023, appellant accepted and began working a limited-duty job as a modified city carrier, working four hours per day.

OWCP, however, continued to pay appellant wage-loss compensation for total disability on the periodic rolls from January 29 through February 25, 2023.<sup>4</sup>

On April 12, 2023, OWCP referred appellant, together with a statement of accepted facts (SOAF), the medical record, and a series of questions, to Dr. Leon Sultan, a Board-certified orthopedic surgeon, for a second opinion evaluation regarding the status of her December 11, 2021 employment injury.

In a report dated May 11, 2023, Dr. Sultan reviewed the SOAF and appellant's medical record. He described the December 11, 2021 employment injury and noted appellant's current complaint of right knee pain. Dr. Sultan related that appellant could return to light-duty work by the end of January 2023 and was no longer under active medical care. An examination of the right knee revealed no swelling, the patella moved freely, negative McMurray and Spring test, and normal range of motion. Dr. Sultan concluded that the diagnosed right knee contusion had resolved without residuals, based on the lack of any abnormal objective findings. He concluded that, based on his examination, appellant was capable of working full time without restrictions.

By notice dated May 31, 2023, OWCP advised appellant that it proposed to terminate her wage-loss compensation and medical benefits based on Dr. Sultan's opinion that the accepted condition had ceased without residuals or disability. It afforded her 30 days to submit additional evidence or argument challenging the proposed termination.

In disability notes dated June 5 and 29, 2023, Tanya Williams, a physician assistant, requested that appellant be excused from work from June 5 through 7, 2023 and July 29 to 31, 2023.

On June 16, 2023, OWCP notified appellant of its preliminary determination that she had received an overpayment of compensation in the amount of \$1,581.29 for the period January 25 through February 25, 2023, because she continued to receive wage-loss compensation for total disability following her return to part-time, limited-duty work. It found that she was at fault in the creation of the overpayment because she accepted a payment she knew or reasonably should have known was incorrect. OWCP informed appellant of her appeal rights and afforded her 30 days to complete an enclosed overpayment recovery questionnaire (Form OWCP-20) and submit supporting financial documentation. An overpayment calculation worksheet showed that appellant received \$2,740.32 in net wage-loss compensation for the period January 25 through February 25, 2023 when she was only entitled to receive \$1,159.03 in net wage-loss compensation for that same period, which resulted in the overpayment amount of \$1,581.29.

In a June 24, 2023 disability note, Marie Chapnick, a nurse practitioner, requested that appellant be excused from work on June 24 and 25, 2023.

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<sup>4</sup> The first EFT deposit following appellant's return to part-time work was made by OWCP on February 10, 2023 and covered the period January 12 through 28, 2023. The second EFT deposit following appellant's return to work was made by OWCP on February 25, 2023 and covered the period January 29 through February 25, 2023.

By decision dated July 3, 2023, OWCP finalized the proposed termination of appellant's wage-loss compensation and medical benefits, effective that date, finding the weight of the medical opinion evidence rested with Dr. Sultan's second opinion report.

OWCP subsequently received a July 5, 2023 report, wherein Dr. Matthew Wert, an orthopedic surgeon, noted appellant's medical course and history of injury. He related that appellant still experienced pain with buckling in the right knee whenever she walked or ascended/descended stairs. On physical examination, Dr. Wert detailed right knee swelling, effusion, erythema, ecchymosis, no instability, mild crepitus, mild antalgic gait, tenderness on palpation of the knee, positive McMurray test, and reduced knee flexion. He diagnosed right knee patellofemoral maltracking and right knee internal derangement and concluded that appellant was 100 percent disabled. Regarding causal relationship, Dr. Wert related that the December 11, 2021 employment injury was competent to produce appellant's injury and complaints.

On July 14, 2023, appellant requested waiver of recovery of the overpayment and a decision on the written record. In a completed Form OWCP-20, she noted four children as dependents and reported no monthly income. Appellant reported total monthly expenses of approximately \$2,600.00. A June 30, 2023 bank statement was received.

On August 23, 2023, appellant requested reconsideration of the July 3, 2023 termination decision. In support thereof, she submitted an August 16, 2023 report, wherein Dr. Wert advised that appellant was under his care for her right knee. Dr. Wert noted that she was awaiting approval for a magnetic resonance imaging (MRI) scan and was advised to start physical therapy. He indicated that appellant could return to work in six months pending an MRI scan, her recovery, and progress with physical therapy.

Dr. Wert, in an attending physician's report (Form CA-20) dated August 30, 2023, noted appellant's history of injury and diagnosed right knee contusion and right knee patellofemoral maltracking. He found her partially disabled from work commencing July 5, 2023, explaining that she was unable to stand or walk more than four hours per day.

In a work capacity evaluation (Form OWCP-5c) dated August 30, 2023, Dr. Wert advised that appellant was unable to perform her usual work duties. He opined that she was capable of working four hours per day with restrictions of no bending and walking and standing up to four hours per day. Dr. Wert indicated that appellant was capable of performing sedentary work. He anticipated that the restrictions would last for three months. Dr. Wert stated that appellant had right knee pain which prevented her from extended walking or standing.

By decision dated August 31, 2023, OWCP denied modification of the July 3, 2023 termination decision.

On September 6, 2022, appellant requested reconsideration of the August 31, 2023 decision.

By decision dated September 14, 2023, OWCP finalized its preliminary overpayment determination that appellant had received an overpayment of compensation in the amount of \$1,581.29 for the period January 25 through February 25, 2023 and that she was at fault in the creation of the overpayment, thereby precluding waiver of recovery of the overpayment.

By decision dated September 19, 2023, OWCP denied modification of the August 31, 2023 decision.

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

Section 8102(a) of FECA provides that the United States shall pay compensation for the disability or death of an employee resulting from personal injury sustained while in the performance of duty.<sup>5</sup> Section 8129(a) of FECA provides, in pertinent part, that when an overpayment has been made to an individual under this subchapter because of an error of fact or law, adjustment shall be made under regulations prescribed by the Secretary of Labor by decreasing later payments to which an individual is entitled.<sup>6</sup>

Section 8116(a) of FECA provides that, while an employee is receiving compensation or if he or she has been paid a lump sum in commutation of installment payments until the expiration of the period during which the installment payments would have continued, the employee may not receive salary, pay, or remuneration of any type from the United States, except in limited specified instances.<sup>7</sup> OWCP's procedures provide that an overpayment of compensation is created when a claimant returns to work, but continues to receive wage-loss compensation.<sup>8</sup>

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

The Board finds that appellant received an overpayment of compensation in the amount of \$1,581.29 for the period January 25 through February 25, 2023, because she continued to receive wage-loss compensation for total disability following her return to part-time work.

As noted above, a claimant is not entitled to receive wage-loss compensation benefits for total disability and actual earnings for the same time period.<sup>9</sup> The record establishes that appellant returned to part-time, limited-duty work on January 25, 2023; however, she continued to receive wage-loss compensation for total disability through February 25, 2023. Therefore, an overpayment of compensation for this period was created in this case.

OWCP calculated that appellant received \$2,740.32 in wage-loss compensation for the period January 25 through February 25, 2023, but was only entitled to receive \$1,159.03, therefore an overpayment was created in the amount of \$1,581.29. The Board has reviewed OWCP's

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<sup>5</sup> 5 U.S.C. § 8102(a).

<sup>6</sup> *Id.* at § 8129(a).

<sup>7</sup> *Id.* at § 8116(a).

<sup>8</sup> *See D.L.*, Docket No. 20-1522 (issued July 27, 2023); *K.P.*, Docket No. 19-1151 (issued March 18, 2020); *S.H.*, Docket No. 19-0509 (issued August 23, 2019); *K.E.*, Docket No. 18-0687 (issued October 25, 2018); *B.H.*, Docket No. 09-0292 (issued September 1, 2009); Federal (FECA) Procedure Manual, Part 6 -- Debt Management, *Identifying and Calculating an Overpayment*, Chapter 6.200.1a (September 2020).

<sup>9</sup> 20 C.F.R. § 10.500(a); Federal (FECA) Procedure Manual, *id.*; *see V.J.*, Docket No. 20-1335 (issued March 11, 2021).

calculations and finds that it properly determined that an overpayment in the amount of \$1,581.29 was created.<sup>10</sup>

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

Section 8129 of FECA provides that an overpayment must be recovered unless “incorrect payment has been made to an individual who is without fault and when adjustment or recovery would defeat the purpose of [FECA] or would be against equity and good conscience.”<sup>11</sup> No waiver of an overpayment is possible if the claimant is at fault in creating the overpayment.<sup>12</sup>

Section 10.433(a) of OWCP’s regulations provides that an individual is at fault in the creation of an overpayment who: (1) made an incorrect statement as to a material fact which the individual knew or should have known to be incorrect; (2) failed to furnish information which the individual knew or should have known to be material; or (3) with respect to the overpaid individual only, accepted a payment which the individual knew or should have been expected to know was incorrect.<sup>13</sup> With respect to whether an individual is not at fault, section 10.433(b) provides that whether or not OWCP determines that an individual was at fault with respect to the creation of an overpayment depends on the circumstances surrounding the overpayment. The degree of care expected may vary with the complexity of those circumstances and the individual’s capacity to realize that he or she is being overpaid.<sup>14</sup>

The Board has held that an employee who receives payments from OWCP in the form of direct deposit may not be at fault the first or second time incorrect funds are deposited into his or her account, as the acceptance of the resulting overpayment lacks the requisite knowledge.<sup>15</sup> The Board has also held in cases involving a series of incorrect payments, where the requisite knowledge is established by a letter or telephone call from OWCP or simply with the passage of time and a greater opportunity for discovery, the claimant will be at fault for accepting the payments subsequently deposited.<sup>16</sup> Previous cases have held that receiving one or two erroneous direct deposit payments does not necessarily create the requisite knowledge to find that a claimant was at fault in the creation of the overpayment.<sup>17</sup>

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<sup>10</sup> See *T.H.*, Docket No. 23-0194 (issued July 17, 2023); *D.R.*, Docket No. 21-0234 (issued November 17, 2022).

<sup>11</sup> 5 U.S.C. § 8129(b).

<sup>12</sup> *Gregg B. Manston*, 45 ECAB 344, 354 (1994).

<sup>13</sup> 20 C.F.R. § 10.433(a); see *C.L.*, Docket No. 19-0242 (issued August 5, 2019); see also 20 C.F.R. § 10.430.

<sup>14</sup> *Id.* at § 10.433(b); *C.L.*, *id.*; see also Federal (FECA) Procedure Manual, *supra* note 8 at Chapter 6.3004(d) (September 2020).

<sup>15</sup> See *R.S.*, Docket No. 20-0177 (issued September 3, 2021); *M.J.*, Docket No. 19-1665 (issued July 29, 2020); *Tammy Craven*, 57 ECAB 689 (2006).

<sup>16</sup> See *L.G.*, Docket No. 20-1342 (issued September 3, 2021); *C.H.*, Docket No. 19-1470 (issued January 24, 2020); see also *Karen Dixon*, 56 ECAB 145 (2004).

<sup>17</sup> See *L.G.*, *id.*; *V.S.*, Docket No. 13-1278 (issued October 23, 2013).

## **ANALYSIS -- ISSUE 2**

The Board finds that OWCP improperly determined that appellant was at fault in the creation of the overpayment for the period January through February 25, 2023.

Appellant returned to part-time work on January 25, 2023, but continued to receive compensation *via* EFT every 28 days. The first EFT deposit following her return to part-time work was made by OWCP on February 10, 2023 and covered the period January 12 through 28, 2023. The second EFT deposit following appellant's return to work was made by OWCP on February 25, 2023 and covered the period January 29 through February 25, 2023.

As noted above, the Board has held that an employee who receives payments from OWCP in the form of a direct deposit may not be at fault for the first or second incorrect deposit since the acceptance of the overpayment, at the time of receipt of the direct deposit, lacks the requisite knowledge.<sup>18</sup>

Given the short period of time following appellant's return to part-time work, there is no documentation to demonstrate that appellant had knowledge at the time her bank received direct deposits from OWCP on February 10 and 25, 2023 and that the payments were incorrect, based upon her return to part-time work.<sup>19</sup> The Board thus finds that appellant was without fault in accepting the two direct deposits covering the period of the overpayment from January 25 through February 25, 2023.

As the case is not in posture for decision regarding the issue of waiver of recovery of the overpayment for the period January 25 through February 25, 2023, the case must be remanded for OWCP to determine whether appellant is entitled to waiver of recovery of the overpayment covering that period.<sup>20</sup> Following any further development deemed necessary, it shall issue a *de novo* decision regarding waiver of the overpayment of compensation.

## **LEGAL PRECEDENT -- ISSUE 3**

Once OWCP accepts a claim and pays compensation, it has the burden of justifying modification or termination of an employee's benefits.<sup>21</sup> After it has determined that an employee has disability causally related to his or her federal employment, it may not terminate compensation without establishing that the disability has ceased or that it is no longer related to the

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<sup>18</sup> See *supra* note 15; see also *George A. Hirsch*, 47 ECAB 520 (1996).

<sup>19</sup> See *M.T.*, Docket No. 20-1353 (issued May 9, 2022); *B.W.*, Docket No. 19-0239 (issued September 18, 2020); *K.E.*, Docket No. 19-0978 (issued October 25, 2018).

<sup>20</sup> *D.R.*, Docket No. 21-0234 (issued November 17, 2022); *C.C.*, Docket No. 19-1268 (issued April 2, 2021).

<sup>21</sup> *L.M.*, Docket No. 22-0342 (issued August 25, 2023); *R.H.*, Docket No. 19-1064 (issued October 9, 2020); *M.M.*, Docket No. 17-1264 (issued December 3, 2018).

employment.<sup>22</sup> OWCP's burden of proof includes the necessity of furnishing rationalized medical opinion evidence based on a proper factual and medical background.<sup>23</sup>

The right to medical benefits for an accepted condition is not limited to the period of entitlement for disability.<sup>24</sup> To terminate authorization for medical treatment, OWCP must establish that appellant no longer has residuals of an employment-related condition, which would require further medical treatment.<sup>25</sup>

### **ANALYSIS -- ISSUE 3**

The Board finds that OWCP met its burden of proof to terminate appellant's wage-loss compensation and medical benefits, effective July 3, 2023, as she no longer had disability or residuals causally related to her December 11, 2021 employment injury.

OWCP referred appellant to Dr. Sultan for a second opinion evaluation to determine the status of her accepted conditions and work capacity. In his May 11, 2023 report, Dr. Sultan noted that the medical record indicated that appellant could return to light-duty work by the end of January 2023 and that she was no longer under medical active care. He further related that her current physical examination revealed no objective findings of the accepted condition. Dr. Sultan opined that the accepted work-related conditions had resolved, that appellant could return to full-time full-duty work, and that there was no need for further medical treatment.

Dr. Sultan based his opinion on a proper factual and medical history and physical examination findings and provided medical rationale for his opinion. He provided a well-rationalized opinion based on medical evidence regarding the accepted condition causally related to appellant's December 11, 2021 employment injury. Accordingly, OWCP properly relied on Dr. Sultan's second opinion report in terminating her wage-loss compensation and medical benefits.<sup>26</sup>

The Board notes that OWCP had previously received reports dated November 30, 2022 through January 5, 2023, wherein Dr. Bleicher noted that appellant could return to limited-duty part-time work through March 6, 2023. However, Dr. Bleicher did not address appellant's disability status as of July 2, 2023. His reports are, therefore, insufficient to establish that appellant remained disabled and required continuing medical treatment as of July 2, 2023.

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<sup>22</sup> *L.M., id.; A.T.*, Docket No. 20-0334 (issued October 8, 2020); *E.B.*, Docket No. 18-1060 (issued November 1, 2018).

<sup>23</sup> *L.M., id.; C.R.*, Docket No. 19-1132 (issued October 1, 2020); *G.H.*, Docket No. 18-0414 (issued November 14, 2018).

<sup>24</sup> *L.M., id.; E.J.*, Docket No. 20-0013 (issued November 19, 2020); *L.W.*, Docket No. 18-1372 (issued February 27, 2019).

<sup>25</sup> *L.M., id.; A.J.*, Docket No. 18-1230 (issued June 8, 2020); *R.P.*, Docket No. 18-0900 (issued February 5, 2019).

<sup>26</sup> *See P.B.*, Docket No. 21-0894 (issued February 8, 2023); *E.S.*, Docket No. 20-0673 (issued January 11, 2021); *K.W.*, Docket No. 19-1224 (issued November 15, 2019); *N.G.*, Docket No. 18-1340 (issued March 6, 2019); *A.F.*, Docket No. 16-0393 (issued June 24, 2016).



Appellant submitted disability notes solely signed by a nurse practitioner and a physician assistant. These reports do not constitute competent medical evidence because neither nurse practitioners nor physician assistants are considered physicians as defined under FECA.<sup>27</sup> Consequently, their medical findings and/or opinions will not suffice for purposes of establishing entitlement to compensation benefits.<sup>28</sup>

As the weight of the evidence establishes that appellant had no further employment-related disability or need for medical treatment, the Board finds that OWCP properly terminated her wage-loss compensation and medical benefits, effective July 3, 2023.

#### **LEGAL PRECEDENT -- ISSUE 4**

When OWCP properly terminates compensation benefits, the burden shifts to appellant to establish continuing residuals or disability after that date, causally related to the accepted employment injury.<sup>29</sup> To establish causal relationship between the condition as well as any attendant disability claimed and the employment injury, an employee must submit rationalized medical evidence based on a complete medical and factual background, supporting such causal relationship.<sup>30</sup>

#### **ANALYSIS -- ISSUE 4**

The Board finds that appellant has not met her burden of proof to establish continuing disability or residuals on or after disability or residuals on or after July 3, 2023, causally related to her accepted December 11, 2021 employment injury.

Subsequent to the termination of her wage-loss compensation and medical benefits, appellant submitted reports from Dr. Wert. In a July 5, 2023 report, Dr. Wert noted that appellant still experienced pain with buckling in the right knee whenever she walked or ascended/descended stairs. He related her physical examination findings regarding the right knee and diagnosed right knee patellofemoral maltracking and right knee internal derangement and concluded that she was 100 percent disabled. Regarding causal relationship, Dr. Wert related that the December 11, 2021 employment injury was competent to produce appellant's injury and complaints. The Board notes that the only accepted condition in this case was contusion of the right knee. Dr. Wert did not

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<sup>27</sup> 5 U.S.C. § 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." 20 C.F.R. § 10.5(t). See also Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.805.3a(1) (January 2013); *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).

<sup>28</sup> *V.R.*, Docket No. 19-0758 (issued March 16, 2021); *B.B.*, Docket No. 18-0732 (issued March 11, 2020).

<sup>29</sup> *P.B.*, *supra* note 26; *V.W.*, Docket No. 20-0693 (issued June 2, 2021); *D.G.*, Docket No. 19-1259 (issued January 29, 2020); *S.M.*, Docket No. 18-0673 (issued January 25, 2019); *J.R.*, Docket No. 17-1352 (issued August 13, 2018).

<sup>30</sup> *Id.*

provide medical rationale explaining the basis of his conclusory opinion.<sup>31</sup> Thus, this evidence is insufficient to meet appellant's burden of proof.

In an August 16, 2023 report, Dr. Wert indicated that he treated appellant for a right knee condition and released her to return to work in six months pending recovery, an MRI scan, and physical therapy progress. In a Form CA-20 dated August 30, 2023, he diagnosed right knee contusion and right knee patellofemoral maltracking. Dr. Wert reported that appellant was partially disabled due to an inability to stand or walk more than four hours per day. In a Form OWCP-5c of even date, he opined that appellant was capable of working a sedentary position four hours per day, noting that appellant complained of right knee pain which prevented extended standing or walking. While Dr. Wert concluded that appellant was partially disabled, he did not provide rationale for his opinion. The Board has held that a report is of limited probative value regarding causal relationship if it does not contain medical rationale explaining how a given medical condition/disability has an employment-related cause.<sup>32</sup>

As the medical evidence of record is insufficient to establish continuing employment-related disability or residuals on or after July 3, 2023 causally related to the accepted employment injury, the Board finds that appellant has not met her burden of proof.<sup>33</sup>

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 received an overpayment of compensation in the amount of \$1,581.29 for the period January 25 through February 25, 2023, because she continued to receive wage-loss compensation for total disability following her return to part-time work. The Board further finds that OWCP improperly determined that appellant was at fault in the creation of the overpayment for the period January 25 through February 25, 2023. The Board also finds that OWCP met its burden of proof to terminate appellant's wage-loss compensation and medical benefits, effective July 3, 2023, as she no longer had disability or residuals causally related to her December 11, 2021 employment injury. Additionally, the Board finds that appellant has not met her burden of proof to establish continuing disability or residuals on or after July 3, 2023, causally related to her accepted December 11, 2021 employment injury.

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<sup>31</sup> See *P.B.*, *supra* note 26; *V.W.*, *supra* note 29; *E.S.*, *supra* note 26.

<sup>32</sup> See *T.T.*, Docket No. 18-1054 (issued April 8, 2020); *Y.D.*, Docket No. 16-1896 (issued February 10, 2017).

<sup>33</sup> *T.C.*, Docket No. 19-1383 (issued March 2, 2020); see *N.G.*, *supra* note 26; *A.F.*, *supra* note 26.

**ORDER**

**IT IS HEREBY ORDERED THAT** the September 14, 2023 decision of the Office of Workers' Compensation Programs is affirmed in part and reversed in part and the case is remanded for further proceedings consistent with this decision of the Board. The July 3, August 31, and September 19, 2023 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: January 30, 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