

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

P.P., Appellant)
and) Docket No. 25-0904
U.S. POSTAL SERVICE, POST OFFICE,) Issued: January 21, 2026
Grosse Pointe Farms, MI, 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 23, 2025 appellant filed a timely appeal from a September 11, 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

ISSUE

The issue is whether appellant has met her burden of proof to establish a recurrence of disability commencing January 2, 2025 causally related to her accepted August 6, 2019 employment injury.

¹ 5 U.S.C. § 8101 *et seq.*

² The Board notes that following the September 11, 2025 decision, appellant submitted additional evidence to OWCP. 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.*

FACTUAL HISTORY

On July 13, 2021 appellant, then a 31-year-old city carrier, filed an occupational disease claim (Form CA-2) alleging that she developed bilateral chondromalacia patellae due to factors of her federal employment. She noted that she first became aware of her condition on August 6, 2019, and realized its relationship to her federal employment on July 1, 2021. OWCP accepted the claim for bilateral chondromalacia patellae. It paid appellant wage-loss compensation on the supplemental rolls effective July 7, 2021. Appellant returned to a full-time, limited duty on July 1, 2022.

In a notice of recurrence of disability (Form CA-2a) dated July 28, 2025, appellant asserted that on January 2, 2025 she sustained a recurrence of total disability causally related to her accepted employment injury. She noted that she subsequently returned to work on February 20, 2025 with restrictions.

In a recurrence claim development letter dated July 31, 2025, OWCP informed appellant of the deficiencies of her recurrence claim. It advised her of the type of additional evidence needed to establish her claim and provided a questionnaire for her completion. In a separate development letter dated July 31, 2025, OWCP requested additional information from the employing establishment. It afforded both parties 30 days to respond.

In an August 1, 2025 response, appellant explained that she was on her way to work when her left knee gave out and her right knee locked up, which resulted in her falling and landing on her left knee.

OWCP received physical therapy reports pertaining to treatment for appellant's accepted bilateral knee conditions.

In a January 28, 2025 report, Dr. Bryan E. Little, a Board-certified orthopedic surgeon, noted his evaluation of appellant for bilateral knee pain. He related that exacerbating factors consisted of prolonged standing and walking. Dr. Little provided examination findings and diagnosed bilateral patellofemoral syndrome.

In a February 20, 2025 return to work note, Helen Smith, a registered nurse, related that appellant could return to a full eight-hour shift, with restrictions of work on a high-low or fork-lift only, with no standup equipment. The restrictions were to be in effect for the next six months or as deemed necessary by Dr. Little.

In a June 12, 2025 report, Dr. Little related that appellant had continued improvement with physical therapy and medications, but that she had continued pain. He provided examination findings and diagnosed bilateral patellofemoral syndrome and patellofemoral disorders, right knee. Dr. Little ordered bilateral patella stabilizing braces for appellant.

In a July 3, 2025 report, Dr. Little indicated that appellant presented with right lower extremity pain. He noted his examination findings and diagnosed bilateral patellofemoral syndrome.

July 3, 2025 bilateral knee x-rays revealed mild degenerative changes in bilateral patellofemoral joints with minimal degenerative changes in medial compartments. No evidence of joint effusion was found.

In a July 17, 2025 report, Dr. Little noted appellant's complaints of lower right extremity pain as moderate, episodic, and lasting for two months. He provided examination findings and diagnosed bilateral patellofemoral syndrome.

In July 24 and August 12, 2025 reports, Dr. Little noted that appellant's lower extremity pain was bilateral and moderate, exacerbated by prolonged standing and walking. He provided examination findings and diagnosed bilateral patellofemoral syndrome. In an August 12, 2025 return to work report, Dr. Little indicated that appellant had the same restrictions, previously documented.

By decision dated September 11, 2025, OWCP denied appellant's recurrence claim, finding that she had not established total disability from work, commencing January 2, 2025, causally related to a spontaneous change or worsening of her accepted work-related bilateral chondromalacia patellae, without intervening cause.

LEGAL PRECEDENT

A recurrence of disability means an inability to work after an employee has returned to work, caused by a spontaneous change in a medical condition which resulted from a previous compensable injury or illness and without an intervening injury or new exposure in the work environment.³

OWCP's procedures provide that a recurrence of disability includes a work stoppage caused by a spontaneous material change in the medical condition demonstrated by objective findings. The change must result from a previous injury or occupational illness rather than an intervening injury or new exposure to factors causing the original illness. It does not include a condition that results from a new injury, even if it involves the same part of the body previously injured.⁴

An employee who claims a recurrence of disability due to an accepted employment-related injury has the burden of proof to establish by the weight of the substantial, reliable, and probative evidence that the disability for which he or she claims compensation is causally related to the accepted injury. This burden of proof requires that a claimant furnish medical evidence from a physician who, based on a complete and accurate factual and medical history, concludes that, for each period of disability claimed, the disabling condition is causally related to the employment

³ 20 C.F.R. § 10.5(x); Federal (FECA) Procedure Manual, Part 2 -- Claims, *Recurrences*, Chapter 2.1500.2b (June 2013); *J.D.*, Docket No. 18-1533 (issued February 27, 2019); *L.B.*, Docket No. 18-0533 (issued August 27, 2018).

⁴ *Id.*

injury, and supports that conclusion with medical reasoning.⁵ Where no such rationale is present, the medical evidence is of diminished probative value.⁶

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish a recurrence of disability commencing January 2, 2025 causally related to her accepted August 6, 2019 employment injury.

In support of her recurrence claim, appellant submitted medical reports from Dr. Little dated January 28 through August 12, 2025. In these reports, Dr. Little noted that appellant, a postal worker, was treated for bilateral knee pain for which she was in physical therapy. He provided physical examination findings and diagnosed bilateral patellofemoral syndrome. Dr. Little's reports, however, failed to address the relevant issue of appellant's January 2, 2025 claimed recurrence of disability. He did not provide an opinion that appellant's accepted condition spontaneously worsened, without intervening cause, thereby disabling appellant from work as of January 2, 2025.⁷ Accordingly, Dr. Little's reports are insufficient to establish that appellant sustained a recurrence of total disability on January 2, 2025 causally related to her accepted employment injury.

Appellant also submitted evidence from physical therapists and a nurse. However, certain health care providers such as physical therapists and nurses are not considered physicians under FECA and, therefore, are not competent to provide a medical opinion.⁸

The record also contains x-ray scans. The Board has held, however, that diagnostic studies, standing alone, lack probative value on the issue of causal relationship as they do not address whether the accepted employment injury resulted in a medical condition or disability.⁹

As the medical evidence of record is insufficient to establish a recurrence of disability commencing January 2, 2025 causally related to the accepted employment injury, the Board finds that appellant has not met her burden of proof.

⁵ *Id.*

⁶ See *M.T.*, Docket No. 25-0180 (issued January 25, 2025); *H.T.*, Docket No. 17-0209 (issued February 8, 2018).

⁷ *O.R.*, Docket No. 24-0931 (issued November 5, 2024); *P.L.*, Docket No. 22-0337 (issued September 9, 2022); *K.F.*, Docket No. 19-1846 (issued November 3, 2020); *L.B.*, *supra* note 3; *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

⁸ Section 8102(2) of FECA provides as follows: 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. § 8102(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).

⁹ *F.G.*, Docket No. 25-0306 (issued March 19, 2025); *D.M.*, Docket No. 24-0832 (issued September 12, 2024); *L.A.*, Docket No. 22-0463 (issued September 29, 2022); *D.K.*, Docket No. 21-0082 (issued October 26, 2021); *O.C.*, Docket No. 20-0514 (issued October 8, 2020); *R.J.*, Docket No. 19-0179 (issued May 26, 2020).

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 appellant has not met her burden of proof to establish a recurrence of disability commencing January 2, 2025 causally related to her accepted August 6, 2019 employment injury.

ORDER

IT IS HEREBY ORDERED THAT the September 11, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: January 21, 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