

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

K.H., Appellant)
and) Docket No. 25-0906
U.S. POSTAL SERVICE, HOUSTON-RIVER)
OAKS POST OFFICE, Houston, TX, Employer)
Issued: January 30, 2026

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
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On September 10, 2025 appellant filed a timely appeal from an August 20, 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

¹ 5 U.S.C. § 8101 *et seq.*

² The Board notes that following the August 20, 2025 decision, appellant submitted additional evidence to OWCP and with her appeal to the Board. 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.*

ISSUE

The issue is whether appellant has met her burden of proof to establish disability from work for the period June 23 through 28, 2025, causally related to her accepted July 10, 2024 employment injury.

FACTUAL HISTORY

On July 11, 2024 appellant, then a 31-year-old city carrier, filed a traumatic injury claim (Form CA-1) alleging that on July 10, 2024 she injured her lower back when she bent down to pick up a parcel while in the performance of duty. She stopped work on July 11, 2024, and returned to part-time, light-duty work for two hours a day on July 30, 2024. OWCP accepted the claim for lumbar spine sprain, sacroiliac joint sprain, and sciatica. It paid appellant compensation on the supplemental rolls for intermittent disability commencing August 26, 2024.

On June 30, 2025 appellant filed a claim for compensation (Form CA-7) for disability from work for the period June 14 through 27, 2025. In the accompanying Time Analysis Forms (Form CA-7a), she claimed 4 hours of disability on June 14, 2025; 5.9 hours of disability on June 16, 2025; 6.01 hours of disability on June 17, 2025; and 6.05 hours of disability on June 18, 2025.³ Appellant also claimed eight hours of disability per day from June 23 through 27, 2025 as her doctor held her off work. In a July 14, 2025 Form CA-7, she claimed compensation for the period June 28 through July 11, 2025. In the accompanying Form CA-7a, appellant claimed eight hours of disability on June 28, 2025 as her doctor placed her off work. She resumed part-time light-duty work for two hours per day on July 1, 2025.

In a June 23, 2025 note, Dr. Kent I. Kossoy, a Board-certified general surgeon, indicated that appellant was treated in the emergency room and released. In a June 23, 2025 report, he diagnosed lumbar radiculopathy; right side lumbago with sciatica; and lumbar spine ligament sprain. In another June 23, 2025 note, Dr. Kossoy held appellant off work from June 23 through 28, 2025.

A June 23, 2025 computerized tomography (CT) scan of appellant's lumbar spine revealed no acute fractures or dislocation, L5-S1 mild posterior disc bulge without central or neural foraminal narrowing, and no anterolisthesis or retrolisthesis.

In a June 25, 2025 report, Dr. Robert C. Lowry, a Board-certified physiatrist, noted the history of appellant's July 10, 2024 work injury and that appellant reported worsening symptoms since her last visit. He noted the accepted diagnoses of lumbar spine sprain, sacroiliac joint sprain, and sciatica. Dr. Lowry provided an assessment of "worsening condition." He continued appellant on light duty.

In a June 25, 2025 duty status report (Form CA-17), Dr. Lowry noted that he had examined appellant on that date. He diagnosed lumbar and sacroiliac joint sprains, and released appellant to light-duty work for four hours per day.

³ OWCP paid appropriate wage-loss compensation for these dates.

In a June 30, 2025 report, Dr. Patrick Garcia, a Board-certified anesthesiologist, noted that appellant was recently seen in an emergency room for exacerbation of her back pain. He noted appellant's physical examination findings, reviewed diagnostic records, and diagnosed lumbar and sacroiliac joint sprains. Dr. Garcia provided lumbar radiofrequency ablation for bilateral L4-5 and L5-S1 nerve roots.

In a development letter dated July 11, 2025, OWCP informed appellant of the deficiencies of her claim for disability from work commencing June 23, 2025. It advised her of the type of medical evidence needed to establish her claim and afforded her 30 days to submit the necessary evidence.

In an undated report, Dr. Lowry advised that appellant was under his care for a July 10, 2024 work-related injury with accepted conditions of lumbar spine sprain and sacroiliac joint sprain. He opined that her condition caused episodic flare-ups during which she was unable to perform her normal job duties, which involved twisting, carrying, walking or standing for prolonged periods of time. Dr. Lowry indicated that appellant's flare-ups caused increased pain, and inflammation. He concluded that her decreased range of motion "may become intense" and cause difficulty driving to work. Dr. Lowry concluded that it was medically necessary for appellant to stay home and recover to avoid further aggravation or reinjury.

By decision dated August 20, 2025, OWCP denied appellant's claim for wage-loss compensation, finding that the medical evidence of record was insufficient to establish disability from work for the period June 23 through 28, 2025, causally related to her accepted July 10, 2024 employment injury.

LEGAL PRECEDENT

An employee seeking benefits under FECA has the burden of proof to establish the essential elements of his or her claim, including that any disability or specific condition for which compensation is claimed is causally related to the employment injury.⁴ 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.⁵ Whether a particular injury causes an 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.⁶

Under FECA the term "disability" means the incapacity, because of an employment injury, to earn the wages that the employee was receiving at the time of injury. Disability is thus not synonymous with physical impairment, which may or may not result in an incapacity to earn wages. An employee who has a physical impairment causally related to a federal employment

⁴ See *M.F.*, Docket No. 24-0445 (issued May 23, 2024); *C.B.*, Docket No. 20-0629 (issued May 26, 2021); *D.S.*, Docket No. 20-0638 (issued November 17, 2020); *B.O.*, Docket No. 19-0392 (issued July 12, 2019); *D.W.*, Docket No. 18-0644 (issued November 15, 2018); *Kathryn Haggerty*, 45 ECAB 383 (1994); *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁵ *Id.*

⁶ 20 C.F.R. § 10.5(f); *B.O.*, *supra* note 4; *N.M.*, Docket No. 18-0939 (issued December 6, 2018).

injury, but who nevertheless has the capacity to earn the wages he or she was receiving at the time of injury, has no disability as that term is used in FECA.⁷

Causal relationship is a medical issue, and the medical evidence required to establish causal relationship is rationalized medical evidence.⁸ Rationalized medical evidence is medical evidence, which includes a physician's detailed medical opinion on the issue of whether there is a causal relationship between the claimant's claimed disability and the accepted employment injury. 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 period of disability and the accepted employment injury.⁹

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.¹⁰ 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.¹¹

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish disability from work for the period June 23 through 28, 2025 causally related to her accepted July 10, 2024 employment injury.

In a June 23, 2025 report and a June 23, 2025 note, Dr. Koussoy related appellant's diagnoses and held her off work from June 23 through 28, 2025. However, he did not provide appellant's physical examination findings or explain why she was totally disabled from work causally related to the accepted July 10, 2024 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 of causal relationship.¹² Therefore, this evidence is insufficient to establish appellant's disability claim.

⁷ *Id.*

⁸ *C.J.*, Docket No. 21-1424 (issued February 27, 2024); *J.M.*, Docket No. 19-0478 (issued August 9, 2019).

⁹ *R.H.*, Docket No. 18-1382 (issued February 14, 2019).

¹⁰ 20 C.F.R. § 10.501(a); *V.P.*, Docket No. 21-1111 (issued May 23, 2022); *C.E.*, Docket No. 19-1617 (issued June 3, 2020); *M.M.*, Docket No. 18-0817 (issued May 17, 2019); *see T.A.*, Docket No. 18-0431 (issued November 7, 2018); *see also Amelia S. Jefferson*, 57 ECAB 183 (2005).

¹¹ *C.E.*, *id.*; *M.M.*, *id.*; *see V.B.*, Docket No. 18-1273 (issued March 4, 2019); *S.M.*, Docket No. 17-1557 (issued September 4, 2018); *William A. Archer*, 55 ECAB 674, 679 (2004); *Fereidoon Kharabi*, 52 ECAB 291, 293 (2001).

¹² *See B.B.*, Docket No. 25-0661 (issued September 9, 2025); *G.R.*, Docket No. 25-0540 (issued June 26, 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).

In a June 25, 2025 report, Dr. Lowry provided an assessment that appellant's condition was worsening. In his June 25, 2025 CA-17 form, he released appellant to light-duty work for four hours per day, an increase from the two hours of part-time work appellant had been working up to her June 23, 2025 work stoppage. However, Dr. Lowry did not provide an opinion regarding disability from work during the claimed period of disability.¹³ Therefore, this evidence is insufficient to establish appellant's disability claim.

In an undated report, Dr. Lowry subsequently opined that appellant's accepted conditions of lumbar spine and sacroiliac joint sprains caused episodic flare-ups which incapacitated appellant from performing her normal job duties and which "may become intense" and cause difficulty driving to work. However, he did not specifically address whether appellant was disabled from work during the claimed period. As previously noted, 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.¹⁴ Therefore, this evidence is insufficient to establish appellant's disability claim.

In a June 30, 2025 report, Dr. Garcia provided examination findings, reviewed diagnostic records, and diagnosed sprain of the ligaments of the lumbar spine and sprain of the sacroiliac joint. However, he did not provide an opinion regarding disability from work during the claimed period of disability, causally related to the accepted July 10, 2024 employment injury.¹⁵ Therefore, this evidence is insufficient to establish appellant's disability claim.

The remainder of the evidence of record consists of a June 23, 2025 CT scan report of the lumbar spine. However, diagnostic studies, standing alone, lack probative value as they do not address whether an accepted employment condition caused the claimed disability.¹⁶

As the medical evidence of record is insufficient to establish disability from work during the claimed period causally related to the accepted July 10, 2024 employment injury, 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(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 disability from work for the period June 23 through 28, 2025, causally related to her accepted July 10, 2024 employment injury.

¹³ *See id.*

¹⁴ *Supra* note 12.

¹⁵ *Supra* note 13.

¹⁶ *See B.B., supra* note 12; *A.V.*, Docket No. 19-1575 (issued June 11, 2020).

ORDER

IT IS HEREBY ORDERED THAT the August 20, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: January 30, 2026
Washington, DC

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

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

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