

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

T.W., Appellant

and

**U.S. POSTAL SERVICE, ST. LOUIS MAIN
POST OFFICE, St. Louis, MO, Employer**

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**Docket No. 26-0237
Issued: July 17, 2026**

Appearances:

Alan J. Shapiro, Esq., for the appellant¹

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 January 12, 2026 appellant, through counsel, filed a timely appeal from a December 16, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act² (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.³

¹ 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.

² 5 U.S.C. § 8101 *et seq.*

³ The Board notes that, following the December 16, 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.*

ISSUES

The issues are: (1) whether OWCP properly determined that appellant's accepted left knee contusion had resolved as of October 20, 2025, and (2) whether appellant met her burden of proof to establish continuing disability or residuals of her accepted left knee contusion, on or after October 20, 2025, causally related to her accepted July 5, 2025 employment injury.

FACTUAL HISTORY

On September 16, 2025 appellant, then a 46-year-old mail and file clerk, filed a traumatic injury claim (Form CA-1) alleging that on July 5, 2025 she sustained a torn meniscus of the left knee when a metal cage she was pushing caught onto her pants leg and hit her left kneecap while in the performance of duty. She stopped work on the claimed date of injury and returned to full-time modified-duty work on July 6, 2025.

OWCP subsequently received medical evidence, including medical reports by Dr. Donet C. Main, an osteopathic attending Board-certified orthopedic surgeon. In a September 25, 2025 initial evaluation report, signed by Dr. Main on October 10, 2025, he related that he had examined appellant and opined that she sustained lateral meniscus tear and permanent aggravation of preexisting unilateral primary osteoarthritis of the left knee directly caused by her accepted July 5, 2025 employment injury.

In an October 9, 2025 visit summary, Dr. Main noted appellant's history of injury on July 5, 2025 and medical treatment. He performed an examination of the left knee and reported moderate appearing joint effusion, current active range of motion that was full extension with flexion to 100 degrees, tenderness to palpation overlying the medial and lateral joint lines and medial and lateral patellar facets, no tenderness in the calf, and intact sensory function. Dr. Main reviewed magnetic resonance imaging (MRI) scan results, which revealed evidence of advanced tricompartmental osteoarthritis changes present with significant chondral loss involving the medial and patellofemoral compartments, and degenerative appearing tear involving the lateral meniscus. He diagnosed unilateral primary osteoarthritis, left knee; and contusion of left knee, initial encounter. Dr. Main noted that appellant had a prior history of a 2003 left knee arthroscopy which involved the removal of a portion of the meniscus and a 2013 car accident. He opined that appellant's accepted July 5, 2025 employment-related left knee contusion had now resolved. Dr. Main related that any continuing and ongoing complaints of pain, stiffness, and swelling were a direct result of preexisting degenerative osteoarthritis and a degenerative tear involving the lateral meniscus. He released appellant to return to full-duty work without restrictions.

By decision dated October 20, 2025, OWCP accepted appellant's claim for contusion of left knee, resolved, based on Dr. Main's October 9, 2025 opinion. It related that no further benefits would be paid for the accepted diagnosis as of October 20, 2025.

OWCP subsequently received additional medical evidence.

In a prescription note dated September 25, 2025, Dr. Main diagnosed lateral meniscus injury, osteoarthritis, and effusion of the left knee, and ordered therapy.

In a work capacity evaluation (Form OWCP-5c) dated October 9, 2025, and another dated November 4, 2025, Dr. Main continued to diagnose tear of lateral meniscus, unilateral primary osteoarthritis, and effusion of left knee. He noted that appellant was unable to perform her usual job, but advised that she could work eight hours per day with restrictions.

In an October 30, 2025 attending physician's report (Form CA-20), Dr. Main diagnosed the accepted condition of left knee contusion and reiterated his diagnosis of left knee tear of the lateral meniscus. He opined that the diagnosed conditions were work related. Dr. Main reiterated his opinion that appellant was not disabled from work and listed her work restrictions, which he noted were recommended for her left knee tear demonstrated on her MRI scan.

OWCP also received visit notes dated November 4 and December 2, 2025, signed by a family nurse practitioner.

On December 9, 2025 appellant, through counsel, requested reconsideration of the October 20, 2025 decision. In support thereof, appellant resubmitted Dr. Main's September 25, 2025 report.

By decision dated December 16, 2025, OWCP denied modification of its October 20, 2025 decision.

LEGAL PRECEDENT – ISSUE 1

Once OWCP accepts a claim and pays compensation, it has the burden of proof to justify modification or termination of an employee's benefits.⁴ After it has determined that, an employee has disability causally related to his or her federal employment, OWCP may not terminate compensation without establishing that the disability has ceased or that it is no longer related to the employment.⁵ OWCP's burden of proof includes the necessity of furnishing rationalized medical opinion evidence based on a proper factual and medical background.⁶ The right to medical benefits for an accepted condition is not limited to the period of entitlement for disability.⁷ 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.⁸

⁴ *C.F.*, Docket No. 21-0003 (issued January 21, 2022); *J.T.*, Docket No. 19-1723 (issued August 24, 2020); *S.P.*, Docket No. 19-0196 (issued June 24, 2020); *S.F.*, 59 ECAB 642 (2008); *Kelly Y. Simpson*, 57 ECAB 197 (2005); *Paul L. Stewart*, 54 ECAB 824 (2003).

⁵ *S.P.*, Docket No. 22-0393 (issued August 26, 2022); *A.T.*, Docket No. 20-0334 (issued October 8, 2020); *E.B.*, Docket No. 18-1060 (issued November 1, 2018).

⁶ *S.P.*, *id.*; *C.R.*, Docket No. 19-1132 (issued October 1, 2020); *G.H.*, Docket No. 18-0414 (issued November 14, 2018).

⁷ *S.P.*, *id.*; *E.J.*, Docket No. 20-0013 (issued November 19, 2020); *L.W.*, Docket No. 18-1372 (issued February 27, 2019).

⁸ *C.F.*, *supra* note 4; *M.E.*, Docket No. 20-0877 (issued August 17, 2021); *L.S.*, Docket No. 19-0959 (issued September 24, 2019); *R.P.*, Docket No. 18-0900 (issued February 5, 2019).

ANALYSIS -- ISSUE 1

The Board finds that OWCP properly determined that appellant's accepted left knee contusion had resolved as of October 20, 2025.

In his October 9, 2025 visit summary, Dr. Main noted a history of the accepted July 5, 2025 employment injury, discussed his examination findings, reviewed diagnostic results, and diagnosed unilateral primary osteoarthritis and left knee contusion. He opined that appellant's accepted left knee contusion had resolved. Dr. Main noted essentially normal findings on physical examination appellant's left knee had full range of motion, no tenderness in the calf, and intact sensory function. He advised that any continuing and ongoing complaints of pain, stiffness, and swelling were a direct result of preexisting degenerative osteoarthritis and a degenerative tear involving the lateral meniscus based on his review of MRI scan results and appellant's prior history of a 2003 left knee arthroscopy and a 2013 car accident.

Dr. Main provided a well-rationalized opinion based on an accurate factual and medical history and detailed findings on examination.⁹ Thus, his October 9, 2025 report represents the weight of the medical evidence in finding that appellant's accepted condition of left knee contusion had resolved.¹⁰ Accordingly, the Board finds that OWCP met its burden of proof.

LEGAL PRECEDENT -- ISSUE 2

Once OWCP properly terminates a claimant's compensation benefits, the burden shifts to appellant to establish continuing disability or residuals after that date causally related to the accepted injury.¹¹ 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.¹² A claimant must establish by the weight of the reliable, probative, and substantial evidence that he or she had an employment-related disability which continued after termination of compensation benefits.¹³

⁹ See *M.T.*, Docket No. 25-0305 (issued May 7, 2025); *I.S.*, Docket No. 25-0093 (issued March 14, 2025); *M.R.*, Docket No. 23-1052 (issued March 5, 2024); *S.V.*, Docket No. 23-0474 (issued August 1, 2023); *J.S.*, Docket No. 22-1388 (issued April 4, 2023); *J.S.*, Docket No. 20-1409 (issued September 1, 2021).

¹⁰ *M.T.*, *id.*; *I.S.*; *id.*; *H.J.*, Docket No. 24-0879 (issued October 29, 2024); *M.H.*, Docket No. 24-0470 (issued July 25, 2024); *R.P.*, Docket No. 20-0891 (issued September 20, 2021); *N.G.*, Docket No. 18-1340 (issued March 6, 2019); *A.F.*, Docket No. 16-0393 (issued June 24, 2016).

¹¹ See *V.W.*, Docket No. 19-0645 (issued February 22, 2021); *S.M.*, Docket No. 18-0673 (issued January 25, 2019); *J.R.*, Docket No. 17-1352 (issued August 13, 2018); *George Servetas*, 43 ECAB 424, 430 (1992).

¹² See *O.W.*, Docket No. 20-1343 (issued August 16, 2022); *L.S.*, Docket No., 20-0570 (issued December 15, 2020); *James Mack*, 43 ECAB 321 (1991).

¹³ *J.N.*, Docket No. 20-1030 (issued November 20, 2020); *S.F.*, Docket No. 17-1427 (issued May 16, 2018).

ANALYSIS -- ISSUE 2

The Board finds that appellant has not met her burden of proof to establish continuing disability or residuals of her accepted left knee contusion, on or after October 20, 2025, causally related to her accepted July 5, 2025 employment injury.

OWCP continued to receive medical reports from Dr. Main after October 20, 2025. In his October 30, 2025 Form CA-20, Dr. Main noted the accepted condition of left knee contusion and reiterated his diagnosis of left knee tear of the lateral meniscus. However, he did not provide any physical findings supportive of a continuing diagnosis of left knee contusion, and he related that appellant's work restrictions were recommended for her left knee tear demonstrated on her MRI scan. Accordingly, this evidence does not establish continuing disability or residuals on or after October 20, 2025 causally related to appellant's accepted July 5, 2025 employment injury.¹⁴

OWCP also received additional reports from Dr. Main dated from September 25 to November 4, 2025. In these reports, Dr. Main related diagnoses of lateral meniscus injury, osteoarthritis, and effusion of the left knee, however he did not address appellant's left knee contusion. As such these reports are insufficient to establish appellant's claim for continuing compensation benefits.¹⁵

OWCP also received notes from a family nurse practitioner. The Board has previously explained that nurse practitioners are not considered physicians as defined under FECA.¹⁶ Consequently, their medical findings and/or opinions will not suffice for purposes of establishing entitlement to compensation benefits.¹⁷

As the medical evidence of record is insufficient to establish continuing disability or residuals of appellant's accepted left knee contusion, on or after October 20, 2025, causally related to her accepted July 5, 2025 employment injury, the Board finds that appellant has not met her burden of proof.

¹⁴ See *R.A.*, Docket No. 26-0062 (issued May 1, 2026).

¹⁵ *Id.*

¹⁶ Section 8101(2) of FECA provides that a 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. § 8101(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); *C.C.*, Docket No. 25-0776 (issued September 15, 2025) (physical therapists are not considered physicians as defined under FECA); *A.J.*, Docket No. 25-0234 (issued May 19, 2025) (nurse practitioners are not considered physicians as defined under FECA, their medical findings and opinions are insufficient to establish entitlement to compensation benefits); *David P. Sawchuk*, 57 ECAB 316, 320 n.11 (2006) (lay individuals such as nurses, physician assistants, and physical therapists are not competent to render a medical opinion under FECA).

¹⁷ *V.R.*, Docket No. 19-0758 (issued March 16, 2021); *B.B.*, Docket No. 18-0732 (issued March 11, 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 OWCP properly determined that appellant's accepted left knee contusion had resolved as of October 20, 2025. The Board also finds that appellant has not met her burden of proof to establish continuing disability or residuals of her accepted left knee contusion, on or after October 20, 2025, causally related to her accepted July 5, 2025 employment injury.

ORDER

IT IS HEREBY ORDERED THAT the December 16, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: July 17, 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