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M.T., Appellant	)	
	)	
and	)	Docket No. 26-0336
	)	Issued: July 14, 2026
DEPARTMENT OF TRANSPORTATION,	)	
FEDERAL AVIATION ADMINISTRATION,	)	
Oklahoma City, OK, Employer	)	
	)	

Case Submitted on the Record

Before:
PATRICIA H. FITZGERALD, Deputy Chief Judge
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

On February 26, 2026 appellant filed a timely appeal from a February 6, 2026 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

The issue is whether appellant has met his burden of proof to establish disability from work for the period May 23, 2021 through July 1, 2022, causally related to his accepted employment injury.

² The Board notes that following the February 6, 2026 decision, appellant submitted additional evidence to OWCP and with his 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.*

FACTUAL HISTORY

This case has previously been before the Board on different issues.³ The facts and circumstances as set forth in the Board's prior decisions are incorporated herein by reference. The relevant facts are as follows.

On December 13, 2022 appellant, then a 55-year-old Equal Employment Opportunity specialist, filed an occupational disease claim (Form CA-2) alleging that he developed cervical radiculopathy and pain in his head, arms, and hands due to factors of his federal employment including constant use of his government-issued computer/laptop. He noted that he first became aware of his condition on March 1, 2020, and realized its relation to his federal employment on October 18, 2022. Appellant stopped work on April 30, 2021.⁴

In an October 18, 2022 report, Dr. John Ellis, Board-certified in family practice and occupational medicine, opined that appellant's migraine headache syndrome, cervical degenerative disc disease, cervical spondylosis with radiculopathy, cervical neuroforaminal stenosis, obstructive sleep apnea, lumbar radiculopathy, and blood clotting disorder conditions were disabling and prevented him from successfully performing his position since May 2021. He explained that appellant's cervical spine pain and radiculopathy could not be operated on because of an undefined blood clotting disorder and his pain and the radiculopathy made it difficult for him to use the computer, read and write. Dr. Ellis further opined that appellant's conditions were permanent and would progress.

OWCP referred appellant to Dr. Christopher Jordan, a Board-certified orthopedic surgeon for a second opinion evaluation. In a July 1, 2024 report, Dr. Jordan opined that the degenerative disc disease in appellant's cervical and lumbar spines, as documented by the magnetic resonance imaging (MRI) scans of record, could have been aggravated by his prolonged sitting and working at a computer, any work-related aggravation had resolved as appellant had not worked for the last three years. He also opined that appellant's cervical spondylosis with myelopathy, cervical stenosis, and cervicogenic headaches could also have been reasonably related to his prolonged leaning forward looking at the computer but, again, opined that this aggravation would have resolved as he had not worked in three years. Dr. Jordan explained that appellant had a temporary aggravation of his preexisting conditions as there was no evidence of radiculopathy or a material worsening. He noted that, while the changes seen on the MRI scans were lifetime changes, the fact that the symptoms continued to persist years after appellant stopped work suggested that the changes were not work related. Regarding appellant's ability to return to work, Dr. Jordan noted that the statement of accepted facts (SOAF) did not list the physical demands of appellant's position, however, he was "theoretically" capable of returning to work. He also noted that if appellant did return to his prior position, it was quite likely that it would cause another aggravation.

By decision dated July 31, 2024, OWCP accepted appellant's claim for resolved temporary aggravation of lumbar degenerative disc disease; resolved temporary aggravation of cervical

³ Docket No. 25-0305 (issued May 7, 2025); Docket No. 24-0103 (issued March 28, 2024).

⁴ OWCP assigned the present claim OWCP File No. xxxxxx489. Under OWCP File No. xxxxxx763, it denied appellant's claim for an emotional condition due to migraines allegedly caused by excessive computer use. On January 30, 2025 OWCP administratively combined OWCP File Nos. xxxxxx763 and xxxxxx489, with the latter serving as the master file.

degenerative disc disease; resolved temporary aggravation of cervical spondylosis with myelopathy; and resolved temporary aggravation of cervical stenosis. The weight of the evidence rested with the July 1, 2024 opinion of Dr. Jordan. By decisions dated December 12, 2024 and February 3, 2025, OWCP denied modification.

By decision dated May 7, 2025, the Board affirmed in part and set aside in part OWCP's February 3, 2025 decision. It found that OWCP had met its burden of proof in determining that appellant's accepted employment-related conditions had resolved as of July 31, 2024. However, the case was not in posture for decision as to whether appellant had established continuing disability and/or residuals, on or after July 31, 2024 causally related to the accepted employment injury. The Board instructed OWCP to refer appellant to an impartial medical examiner (IME) to resolve the conflict in medical opinion evidence between Dr. Jordan and Dr. Ellis,⁵ with regard to whether appellant continued to have any disability or residuals, on or after July 31, 2024, causally related to the accepted employment injury.

On remand, OWCP selected Dr. Ryan L. Nelson, an osteopathic Board-certified orthopedic surgeon, as the IME to resolve the conflict in medical opinion with regard to whether appellant continued to have any disability or residuals, on or after July 31, 2024, causally related to the accepted employment injury.

In a September 3, 2025 report, Dr. Nelson noted his review of the SOAF and the medical record, and reported examination findings. He opined that appellant continued to have disability and residuals on or after July 31, 2024 causally related to the accepted employment conditions as he had bilateral upper extremity radicular pain with numbness and tingling down the arms to the digits, subjective headaches and radicular pain down the left lower extremity. Dr. Nelson further opined that appellant's aggravation was permanent as there had been no improvement in his condition since the injury date of March 1, 2020. He noted that although appellant had not worked since 2021, he continued to have bilateral upper extremity radicular pain and numbness. Dr. Nelson explained that appellant would not be capable of returning to his date-of-injury position as working at a computer aggravated his chronic neck pain, numbness, and tingling down the arms to the fingers.

On November 6, 2025 appellant filed a claim for compensation (Form CA-7) for disability from work during the period May 23, 2021 through July 1, 2022.

In a development letter dated November 24, 2025, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of medical evidence needed to establish his claim and afforded him 60 days to submit the necessary evidence.

In a December 3, 2025 response, appellant requested that OWCP consider the reports from Dr. Ellis, Dr. Jordan, and Dr. Nelson, in support of his disability claim.

⁵ In a September 16, 2024 report, Dr. Ellis stated that he reviewed Dr. Jordan's July 1, 2024 report. He opined that despite appellant's cessation from work on May 30, 2021, his symptoms had persisted with no signs of resolution. Dr. Ellis explained that the objective and diagnostic imaging confirmed that the degenerative disc disease in both the cervical and lumbar regions had progressed beyond the natural scope of aging and supported a permanent worsening of his conditions, including ongoing radiculopathy and chronic radicular symptoms.

OWCP requested that Dr. Nelson clarify whether appellant's cervical and lumbar conditions were permanently aggravated by his employment duties, rather than just his continued symptoms.

In a January 23, 2026 addendum report, Dr. Nelson stated the only rationale to support a permanent aggravation of a cervical or lumbar condition by using a keyboard was ergonomic positioning, which would occur while sitting at a desk performing those activities. He stated that if appellant was not at a desk performing those activities, then the symptoms would be due to natural age progression and degenerative factors. Dr. Nelson also opined that sitting at a desk facing a computer can cause continued back, neck and radicular pain symptoms; however, those symptoms only last while at the computer doing the activities and would resolve days or weeks after the aggravation.

By decision dated February 6, 2026, 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 May 23, 2021 through July 1, 2022, causally related to his accepted employment injury. It noted that his claim had been accepted based on Dr. Jordan's second opinion report, however, he had opined that appellant "no longer" had residuals or disability related to the accepted 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.⁶ 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.⁷ 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.⁸

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

⁶ See *D.A.*, Docket No. 26-0214 (issued April 21, 2026); *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).

⁷ *Id.* See also 20 C.F.R. § 10.501(a); *K.H.*, Docket No. 25-0906 (issued January 30, 2026); *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); *T.A.*, Docket No. 18-0431 (issued November 7, 2018); see also *Amelia S. Jefferson*, 57 ECAB 183 (2005).

⁸ 20 C.F.R. § 10.5(f); *B.O.*, *supra* note 6; *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.⁹

Causal relationship is a medical issue, and the medical evidence required to establish causal relationship is rationalized medical evidence.¹⁰ 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.¹¹

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.¹²

ANALYSIS

The Board finds that this case is not in posture for decision.

In his September 3, 2025 report, Dr. Nelson opined that appellant's aggravation was permanent, noting that there had been no improvement in his condition since the March 1, 2020 injury date, that he continued to have bilateral upper extremity radicular pain and numbness despite not having worked since 2021. He explained that appellant would not be able to return to his date-of-injury position as working at a computer aggravated his chronic neck pain, numbness, and tingling down the arms to the fingers. In a January 23, 2026 addendum report, Dr. Nelson opined that sitting at a desk facing a computer could cause back, neck, and radicular pain symptoms, which would resolve days or weeks after the aggravation.

Dr. Nelson, however, did not address appellant's specific claimed period of disability, causally related to the accepted employment injury.

It is well established that proceedings under FECA are not adversarial in nature, nor is OWCP a disinterested arbiter.¹³ While the claimant has the responsibility to establish entitlement to compensation, OWCP shares responsibility in the development of the evidence to see that justice

⁹ *Id.*

¹⁰ *C.J.*, Docket No. 21-1424 (issued February 27, 2024); *J.M.*, Docket No. 19-0478 (issued August 9, 2019).

¹¹ *R.H.*, Docket No. 18-1382 (issued February 14, 2019).

¹² *C.E.*, *supra* note 7; *M.M.*, *supra* note 7; *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).

¹³ *See J.W.*, Docket No. 26-0141 (issued April 24, 2026); *B.W.*, Docket No. 21-0785 (issued September 1, 2022); *N.L.*, Docket No. 19-1592 (issued March 12, 2020); *M.T.*, Docket No. 19-0373 (issued August 22, 2019); *B.A.*, Docket No. 17-1360 (issued January 10, 2018).

is done.¹⁴ Accordingly, once OWCP undertook development of the evidence by referring appellant to Dr. Nelson, it had an obligation to obtain a proper evaluation that sufficiently addressed the issues in this case.¹⁵

The case shall, therefore, be remanded for further development. On remand, OWCP shall refer appellant, along with a SOAF, and the case record to Dr. Nelson for a rationalized medical opinion on whether appellant was disabled from work during the claimed period of May 23, 2021 through July 1, 2022, causally related to his accepted employment injury. After this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.

CONCLUSION

The Board finds that this case is not in posture for decision.

ORDER

IT IS HEREBY ORDERED THAT the February 6, 2026 merit decision of the Office of Workers' Compensation Programs is set aside, and the case is remanded for further proceedings consistent with this decision of the Board.

Issued: July 14, 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

¹⁴ *Id.*; see also *Donald R. Gervasi*, 57 ECAB 281, 286 (2005); *William J. Cantrell*, 34 ECAB 1233, 1237 (1983).

¹⁵ See *J.W.*, *supra* note 13; *V.P.*, Docket No. 22-0706 (issued November 3, 2022); *E.M.*, Docket No. 20-1153 (issued August 4, 2022).