

² The Board notes that, following the September 19, 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.*

lower extremity, right upper extremity, and right wrist, as well as neck and back pain from a “whiplash” injury, when his delivery vehicle was struck by another vehicle while in the performance of duty. OWCP accepted the claim for contusion of right lower leg, contusion of right upper arm, and contusion of right wrist. On July 12, 2023, OWCP expanded the acceptance of the claim to include cervical spine nerve root injury, thoracic spine nerve root injury, lumbar spine nerve root injury, right shoulder joint derangement, left shoulder joint derangement, right elbow joint derangement, right hip joint derangement, and right knee internal derangement. On May 23, 2024, OWCP expanded the acceptance of the claim to include primary osteoarthritis of the left shoulder.

OWCP subsequently received a February 29, 2024 report wherein Dr. Mikhail Zusmanovich, a Board-certified orthopedic surgeon, diagnosed primary osteoarthritis of the left shoulder, and left shoulder pain. Dr. Zusmanovich requested authorization for a three-shot “series of hyaluronic acid injections for the patient’s left shoulder.”

In a development letter dated June 20, 2024, OWCP informed appellant that the evidence of record was insufficient to authorize the requested injections as they were not supported by the diagnosis codes of the accepted conditions in the claim. It advised him of the type of medical evidence needed and afforded him 30 days to submit the necessary evidence.

OWCP subsequently received a May 23, 2024 report wherein Dr. Zusmanovich noted appellant’s complaint of continued left shoulder pain. On examination of the left shoulder, he found a positive O’Brien’s test, positive Neer’s and Hawkins’ impingement tests, and positive Speed’s and Yergason’s tests. Dr. Zusmanovich diagnosed primary osteoarthritis of the left shoulder and internal derangement of the left shoulder. He noted that he had administered a corticosteroid injection to the left shoulder as OWCP had not yet approved the requested series of hyaluronic acid injections.

In an August 8, 2024 report, Dr. Zusmanovich reiterated prior findings and diagnoses of the left shoulder. He again related that he had administered a corticosteroid injection.

By decision dated September 20, 2024, OWCP denied appellant’s request for authorization for injections, finding that the evidence of record was insufficient to establish that the injections were medically necessary to address the effects of his work-related injury or condition under FECA. OWCP did not specify the member of the body to be injected.

On October 25, 2024, OWCP expanded the acceptance of the conditions in the claim to include other tear of medial meniscus of right knee, and other tear of lateral meniscus of right knee.

In reports dated September 26 and November 18, 2024, Dr. Zusmanovich recounted appellant’s significant left shoulder pain, as well as his right knee complaints. He reiterated prior diagnoses, including primary osteoarthritis and internal derangement of the left shoulder.

On September 7, 2025 appellant, through counsel, requested reconsideration.

By decision dated September 19, 2025, OWCP denied modification of the September 20, 2024 decision. It noted that “In the instant case your physician has not provided a well-reasoned opinion explaining the requested J7329 procedure is for treatment of the now accepted conditions

of other tear of medial meniscus, current injury, right knee and other tear of lateral meniscus, current injury, right knee and is medically necessary.”

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

Section 8124(a) of FECA provides that OWCP shall determine and make a finding of fact and make an award for or against payment of compensation.³ Its regulations at 20 C.F.R. § 10.126 provide that the decision of the Director of OWCP shall contain findings of fact and a statement of reasons.⁴ As well, OWCP’s procedures provide that the reasoning behind OWCP’s evaluation should be clear enough for the reader to understand the precise defect of the claim and the kind of evidence, which would overcome it.⁵

In its September 19, 2025 decision, OWCP found that the medical evidence of record was insufficient to support authorization of injections to treat appellants accepted right knee conditions. However, it did not provide findings with regard to appellant’s accepted left shoulder conditions, for which Dr. Zusmanovich specifically requested authorization in his February 29, 2024 report. The Board, therefore, finds that OWCP did not discharge its responsibility to set forth findings of fact and a clear statement of reasons explaining the disposition so that appellant could understand the basis of the decision.

As such, the Board shall set aside OWCP’s September 19, 2025 decision and remand the case for findings of fact and a statement of reasons for its decision pursuant to the standard set forth in section 5 U.S.C. § 8124(a) and 20 C.F.R. § 10.126. After any further development as deemed necessary, OWCP shall issue a *de novo* decision. Accordingly,

³ 5 U.S.C. § 8124(a).

⁴ 20 C.F.R. § 10.126.

⁵ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Disallowances*, Chapter 2.1400.5 (February 2013).

IT IS HEREBY ORDERED THAT the September 19, 2025 decision of the Office of Workers' Compensation Programs is set aside, and the case is remanded for further proceedings consistent with this order of the Board.

Issued: July 13, 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