

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

J.R., Appellant

and

**U.S. POSTAL SERVICE, HURON POST
OFFICE, Huron, OH, Employer**

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**Docket No. 26-0393
Issued: July 7, 2026**

Appearances:

Capp P. Taylor, Esq., for the appellant¹

Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:

ALEC J. KOROMILAS, Chief Judge

JANICE B. ASKIN, Judge

VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On March 20, 2026 appellant, through counsel, filed a timely appeal from a March 9, 2026 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.

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.*

ISSUE

The issue is whether OWCP has met its burden of proof to terminate appellant's wage-loss compensation and medical benefits, effective March 9, 2026, as she no longer had disability or residuals causally related to her accepted February 5, 2013 employment injury.

FACTUAL HISTORY

On February 8, 2013 appellant, then a 45-year-old city carrier, filed a traumatic injury claim (Form CA-1) alleging that on February 5, 2013 she sustained a right knee injury when she slipped walking up a driveway and twisted her knee while in the performance of duty.³ She stopped work on February 6, 2013. On May 6, 2013 OWCP accepted the claim for sprain of the right lateral collateral ligament (LCL) and internal derangement of the right knee. It paid appellant wage-loss compensation on the supplemental rolls effective March 23, 2013, and on the periodic rolls effective September 22, 2013.⁴

A magnetic resonance imaging (MRI) scan of the right knee dated May 3, 2013 demonstrated a small Baker's cyst. A subsequent MRI scan of the right knee dated January 21, 2024 demonstrated mild degenerative changes in all three compartments, a small Baker's cyst, and no evidence of acute derangement.

Appellant received medical treatment in 2014 for her right knee condition from Dr. Bruce E. Heck, Board-certified in orthopedic surgery and sports medicine, and Dr. Douglas M. Hoy, Board-certified in family medicine, in the form of physical therapy, injections, and work restrictions.

In a medical report dated September 7, 2022, Dr. Hoy noted that appellant related complaints of right knee pain. He performed a physical examination of the right knee and observed trace effusion, decreased range of motion (ROM) due to pain, and lateral tenderness. In an attending physician's report (Form CA-20) of even date, Dr. Hoy diagnosed right knee internal derangement and indicated that appellant was totally disabled due to persistent pain with activity.

On September 11, 2025 OWCP referred appellant, along with the medical record, a statement of accepted facts (SOAF), and a series of questions to Dr. Nathan A. Fogt, an osteopath, for a second opinion evaluation regarding the status of appellant's employment-related injuries.

In a December 9, 2025 report, Dr. Fogt related appellant's complaints and noted his review of the SOAF and the medical record. On physical examination, he observed a non-antalgic, well-coordinated gait, no focal motor or sensory deficits, and normal ROM throughout the right knee. The right knee was stable to varus and valgus stress, and Drawer and Lachman's tests were negative. Lateral McMurray's test elicited pain but no mechanical findings. There was trace

³ OWCP assigned the present case OWCP File No. xxxxxx316. Appellant previously filed a Form CA-1 for a March 1, 2011 right knee injury, which OWCP processed as a short form closure under OWCP File No. xxxxxx230. It has not administratively combined OWCP File Nos. xxxxxx316 and xxxxxx230.

⁴ By decision dated November 14, 2016, OWCP reduced appellant's wage-loss compensation, effective November 15, 2016. It found the position of teller with weekly earnings of \$379.20 per week represented her loss of wage-earning capacity.

effusion. Patellofemoral grind test was negative and the patella tracked well. Dr. Fogt provided impressions of right knee LCL sprain and internal derangement and indicated that appellant's subjective complaints corresponded with the physical examination findings. In response to OWCP questions, he opined that she had recovered from the accepted conditions, noting that the MRI scans did not demonstrate evidence of internal derangement and that his physical examination did not validate any ongoing residuals of the accepted conditions. In response to whether there was a need for any further medical treatment, Dr. Fogt indicated "it is my opinion claimant has recovered from the currently accepted conditions and prognosis as a result would be graded as good." He opined that appellant was able to perform her date-of-injury job as a city carrier as it related to the accepted right knee conditions. In a work capacity evaluation form (Form OWCP-5c) of even date, Dr. Fogt recommended restrictions including walking and standing no more than two hours per day, lifting, pushing, and pulling no more than 25 pounds for up to two hours per day, and no twisting, kneeling, or climbing. He indicated that the "restrictions are for non-accepted conditions."

In a notice dated January 9, 2026, OWCP advised appellant that it proposed to terminate her wage-loss compensation and medical benefits based on Dr. Fogt's opinion that the accepted employment-related conditions had ceased without residuals or disability. It afforded her 30 days to submit additional evidence or argument challenging the proposed termination.

On February 5, 2026 appellant, through counsel, submitted legal argument challenging the proposed termination.

By decision dated March 9, 2026, OWCP terminated appellant's wage-loss compensation and medical benefits, effective that date, finding that Dr. Fogt's opinion constituted the weight of the medical opinion evidence that appellant no longer had residuals or disability causally related to the accepted employment injury.

LEGAL PRECEDENT

Once OWCP accepts a claim and pays compensation, it has the burden of proof to justify termination or modification of benefits.⁵ It may not terminate compensation without establishing either that the disability has ceased or that it is no longer related to the employment.⁶ OWCP's burden of proof includes the necessity of furnishing rationalized medical opinion evidence based on a proper factual and medical background.⁷

The right to medical benefits for an accepted condition is not limited to the period of entitlement for disability compensation.⁸ To terminate authorization for medical treatment, OWCP

⁵ *A.D.*, Docket No. 18-0497 (issued July 25, 2018); *S.F.*, 59 ECAB 642 (2008); *Kelly Y. Simpson*, 57 ECAB 197 (2005); *Paul L. Stewart*, 54 ECAB 824 (2003).

⁶ *A.G.*, Docket No. 18-0749 (issued November 7, 2018); *see also I.J.*, 59 ECAB 408 (2008); *Elsie L. Price*, 54 ECAB 734 (2003).

⁷ *R.R.*, Docket No. 19-0173 (issued May 2, 2019); *T.P.*, 58 ECAB 524 (2007); *Del K. Rykert*, 40 ECAB 284 (1988).

⁸ *L.W.*, Docket No. 18-1372 (issued February 27, 2019); *Kathryn E. Demarsh*, 56 ECAB 677 (2005).

must establish that the employee no longer has residuals of an employment-related condition, which require further medical treatment.⁹

ANALYSIS

The Board finds that OWCP failed to meet its burden of proof to terminate appellant's wage-loss compensation and medical benefits, effective March 9, 2026.

Dr. Fogt, the second opinion physician, noted his review of the SOAF and appellant's current complaints in his December 9, 2025 report. He indicated that she was capable of performing her preinjury position as it related to the accepted conditions but recommended restrictions with respect to walking, standing, twisting, lifting, pushing, pulling, kneeling, and climbing "for non-accepted conditions." However, Dr. Fogt failed to provide a well-rationalized medical opinion explaining how appellant ceased to have residuals related to her accepted conditions.¹⁰ On physical examination, he observed right knee effusion and lateral pain and indicated that her subjective complaints corresponded with his physical examination findings. Although he attributed her ongoing symptoms, examination findings, and work restrictions to "non-accepted conditions," the Board finds that Dr. Fogt's opinion was conclusory in nature as it lacked rationale. The Board has held that a medical report is of limited probative value if it contains a conclusion which is unsupported by sufficient medical rationale.¹¹

The Board, therefore, finds that the opinion of Dr. Fogt is not of sufficient probative value to constitute the weight of the medical opinion evidence regarding whether appellant continued to have residuals or disability causally related to her February 5, 2013 employment injury.¹² Accordingly, the Board finds that OWCP failed to meet its burden of proof to terminate appellant's wage-loss compensation and medical benefits, effective March 9, 2026.

CONCLUSION

The Board finds that OWCP failed to meet its burden of proof to terminate appellant's wage-loss compensation and medical benefits, effective March 9, 2026.

⁹ *R.P.*, Docket No. 17-1133 (issued January 18, 2018); *A.P.*, Docket No. 08-1822 (issued August 5, 2009).

¹⁰ *C.G.*, Docket No. 23-0013 (issued April 24, 2023); *C.B.*, Docket No. 20-0629 (issued May 26, 2021); *A.G.*, Docket No. 20-0187 (issued December 31, 2020); *see J.W.*, 19-1014 (issued October 24, 2019); *S.W.*, Docket No. 18-0005 (issued May 24, 2018).

¹¹ *J.F.*, Docket No. 26-0068 (issued February 24, 2026); *N.R.*, Docket No. 25-0861 (issued December 23, 2025); *C.G.*, Docket No. 23-0013 (issued April 24, 2023); *C.B.*, Docket No. 20-0629 (issued May 26, 2021); *A.G.*, Docket No. 20-0187 (issued December 31, 2020); *see J.W.*, Docket No. 19-1014 (issued October 24, 2019); *S.W.*, Docket No. 18-0005 (issued May 24, 2018).

¹² *See V.D.*, Docket No. 26-0229 (issued May 5, 2026).

ORDER

IT IS HEREBY ORDERED THAT the March 9, 2026 decision of the Office of Workers' Compensation Programs is reversed.

Issued: July 7, 2026
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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