

² 5 U.S.C. § 8101 *et seq.*

ISSUE

The issue is whether appellant has met his burden of proof to establish continuing disability or residuals, on or after December 7, 2018, causally related to the accepted March 24, 2017 employment injury.

FACTUAL HISTORY

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

On March 29, 2017 appellant, then a 50-year-old auto technician mechanic, filed a traumatic injury claim (Form CA-1) alleging that on March 24, 2017 he injured his knees, shin, and chest when he slipped and struck a bumper while loading his vehicle in the performance of duty. He stopped work on March 27, 2017. OWCP accepted appellant's claim for abrasion and contusion of the left knee.⁴

By decision dated December 6, 2018, OWCP terminated appellant's wage-loss compensation and medical benefits, effective December 7, 2018. It found that the weight of the medical evidence rested with the April 30, June 1, and July 26, 2018 reports of Dr. Andrew E. Farber an osteopathic Board-certified orthopedic surgeon serving as a second opinion physician, who opined that appellant no longer had any disability or residuals, causally related to his accepted March 24, 2017 employment injury.

By decision dated July 22, 2019, OWCP's hearing representative affirmed the December 6, 2018 decision, finding that the weight of the medical evidence rested with the second opinion physician, Dr. Farber.

On November 29, 2019 appellant, through his then-counsel, appealed to the Board. By decision dated October 8, 2020,⁵ the Board affirmed the July 22, 2019 termination decision, finding that OWCP met its burden of proof to terminate appellant's wage-loss compensation and medical benefits, effective December 7, 2018, based on the rationalized opinion of Dr. Farber, the second opinion physician. Additionally, the Board found that appellant had not met his burden of proof to establish continuing residuals or disability on or after December 7, 2018, causally related to his accepted March 24, 2017 employment injury.

On October 3, 2021 appellant, through counsel, requested reconsideration before OWCP.

³ Docket No. 20-0334 (issued October 8, 2020); Docket No. 22-0716 (issued February 24, 2023); Docket No. 24-0797 (issued August 29, 2024) *petition for recon. denied*, Docket No. 24-0797 (issued March 31, 2025).

⁴ By separate decision dated July 13, 2017, OWCP denied expansion of the acceptance of appellant's claim to include bilateral knee osteoarthritis, bilateral knee tear of the meniscus, right knee rupture of anterior cruciate ligament (ACL), and ACL sprain of the knees. OWCP denied modification on August 16, 2018. The Board affirmed OWCP's August 16, 2018 decision on May 29, 2019. *See* Docket No. 19-0294 (issued May 29, 2019).

⁵ Docket No. 20-0334 (issued October 8, 2020).

By decision dated December 16, 2021, OWCP denied modification of its July 22, 2019 decision.

On March 2, 2022 appellant, through counsel, requested reconsideration and submitted additional medical evidence, including a January 4, 2021 report from Dr. Steven Touliopoulos, Board-certified in orthopedic sports medicine.

By decision dated March 23, 2022, OWCP denied modification of its December 16, 2021 decision.

On April 12, 2022 appellant, through counsel, appealed to the Board. By decision dated February 24, 2023,⁶ the Board affirmed the March 23, 2022 decision, finding that appellant had not met his burden of proof to establish continuing disability or residuals, on or after December 7, 2018, causally related to his accepted March 24, 2017 employment injury.

On February 14, 2024 appellant, through counsel, requested reconsideration. In support thereof, appellant submitted a February 6, 2024 report, wherein Dr. Touliopoulos noted a history of appellant's March 24, 2017 employment injury and his medical treatment. He discussed findings on physical and x-ray examination. Dr. Touliopoulos diagnosed additional conditions of left knee meniscal and chondral injuries; patellofemoral symptomatology and arthrofibrosis; rule out collateral ligament insufficiency; right knee ACL tear with medial meniscal tear; chondral injuries; aggravation and progression of underlying right knee degenerative joint disease; and right leg injury (rule out myofascial defect and post-traumatic fibroma). He opined that these conditions were causally related to appellant's March 24, 2017 employment injury. Dr. Touliopoulos noted his previous recommendation that appellant undergo a right total knee replacement. He also restated his prior opinion that appellant remained totally disabled from his previous employment due to his bilateral knee conditions.

By decision dated February 22, 2024, OWCP denied modification of its March 23, 2022 decision.

On July 30, 2024 appellant, through counsel, appealed to the Board. By decision dated August 29, 2024,⁷ the Board affirmed the February 22, 2024 decision, again finding that appellant had not met his burden of proof to establish continuing residuals or disability on or after December 7, 2018, causally related to his accepted March 24, 2017 employment injury.

On August 6, 2025 appellant, through counsel, requested reconsideration before OWCP. In support thereof, counsel submitted a June 10, 2025 report, wherein Dr. Touliopoulos reiterated a history of appellant's March 24, 2017 employment injury and his medical treatment. Dr. Touliopoulos discussed his findings on physical examination and reviewed diagnostic reports. He reiterated his prior additional diagnoses of appellant's bilateral lower extremity conditions. Dr. Touliopoulos addressed appellant's treatment plan and opined that appellant

⁶ Docket No. 22-0716 (issued February 24, 2023).

⁷ Docket No. 24-0797 (issued August 29, 2024), *petition for recon. denied*, Docket No. 24-0797 (issued March 31, 2025).

remained disabled from his previous employment due to his bilateral knee and right leg conditions.

By decision dated October 9, 2025, OWCP denied modification of its February 22, 2024 decision.

LEGAL PRECEDENT

When OWCP properly terminates compensation benefits, the burden shifts to appellant to establish continuing disability or residuals after that date, causally related to the accepted employment injury.⁸ 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.⁹

ANALYSIS

The Board finds that appellant has not met his burden of proof to establish continuing disability or residuals, on or after December 7, 2018, causally related to the accepted March 24, 2017 employment injury.

Preliminarily, the Board notes that findings made in prior Board decisions are *res judicata*, absent any further review by OWCP under section 8128 of FECA.¹⁰ It is, therefore, unnecessary for the Board to consider the evidence appellant submitted prior to the issuance of OWCP's February 22, 2024 decision as the Board considered that evidence in its August 29, 2024 decision.¹¹

Following OWCP's February 22, 2024 decision, appellant submitted a June 10, 2025 report from Dr. Touliopoulos. He reiterated his diagnoses of appellant's bilateral lower extremity conditions and concluded that these conditions were causally related to the March 24, 2017 employment injury. Dr. Touliopoulos also opined that appellant remained disabled from his previous employment due to his bilateral knee and right leg conditions. Dr. Touliopoulos, however, did not explain with sufficient medical rationale how or why any continuing disability or residuals was causally related to the March 24, 2017 employment injury. The Board has held

⁸ See *M.D.*, Docket No. 21-0080 (issued August 16, 2022); *C.P.*, Docket No. 21-0173 (issued March 23, 2022); *S.M.*, Docket No. 18-0673 (issued January 25, 2019); *C.S.*, Docket No. 18-0952 (issued October 23, 2018); *Manuel Gill*, 52 ECAB 282 (2001).

⁹ *Id.*

¹⁰ *S.H.*, Docket No. 26-0168 (issued June 8, 2026); *P.N.*, Docket No. 25-0277 (issued March 6, 2025); *G.W.*, Docket No. 22-0301 (issued July 25, 2022); *M.D.*, Docket No. 19-0510 (issued August 6, 2019); *Clinton E. Anthony, Jr.*, 49 ECAB 476, 479 (1988).

¹¹ *A.T.*, Docket No. 22-0716 (issued February 24, 2023); *G.W.*, *id.*; *M.D.*, *id.*

that a medical report is of limited probative value if it contains a medical opinion which is unsupported by medical rationale.¹²

As the medical evidence of record is insufficient to establish continuing disability or residuals, on or after December 7, 2018, causally related to the accepted March 24, 2017 employment injury, the Board finds that appellant has not met his 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 his burden of proof to establish continuing disability or residuals, on or after December 7, 2018, causally related to the accepted March 24, 2017 employment injury.

ORDER

IT IS HEREBY ORDERED THAT the October 9, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: July 15, 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

¹² *Id.*; see also *G.N.*, Docket No. 23-0763 (issued February 21, 2024).