

² 5 U.S.C. § 8101 *et seq.*

ISSUE

The issue is whether appellant has met his burden of proof to establish disability from work commencing April 10, 2025, causally related to the accepted September 9, 2024 employment injury.

FACTUAL HISTORY

On September 11, 2024 appellant, then a 32-year-old rural carrier associate, filed a traumatic injury claim (Form CA-1) alleging that on September 9, 2024 he sustained a broken nose and broken little finger with tendon damage when a stranger assaulted him while in the performance of duty. He stopped work on the date of injury and returned to modified duty on October 12, 2024. OWCP accepted the claim for fracture of nasal bones and subluxation of the right little finger. Appellant periodically stopped work and OWCP paid him wage-loss compensation for disability from work, effective November 16, 2024.

In a March 3, 2025 work activity status report, Dr. Peter J. Heitke, a Board-certified occupational medicine physician, opined that he could return to full duty effective March 3, 2025. Appellant began working as a laborer custodian on March 8, 2025.

Appellant stopped work on April 10, 2025, and, on April 21, 2025, he filed a claim for compensation (Form CA-7) alleging disability for the period April 10 through 21, 2025. He later filed CA-7 forms alleging disability from work commencing April 22, 2025.

On May 14, 2025 OWCP referred appellant, along with the medical record, a statement of accepted facts (SOAF), and series of questions, for a second opinion examination and evaluation with Dr. Charles F. Xeller, a Board-certified orthopedic surgeon, regarding his injury-related residuals and disability.

In a May 30, 2025 development letter, OWCP informed appellant of the deficiencies of his disability claim. It advised him of the type of medical evidence needed to establish his claim and afforded him 30 days to submit the necessary evidence. No response was received.

By decision dated July 15, 2025, OWCP denied appellant's claim, finding that the medical evidence of record was insufficient to establish disability from work commencing April 10, 2025, causally related to the accepted September 9, 2024 employment injury.

On July 24, 2025 OWCP received a July 12, 2025 report wherein Dr. Xeller discussed appellant's accepted September 9, 2024 employment injury and reported his findings on physical examination. He noted that appellant was wearing a splint on his right little finger and that, with the splint off, the finger had 30 degrees droop at the distal interphalangeal joint (DIP). Dr. Xeller related that he had DIP joint flexion of 30 to 40 degrees and proximal interphalangeal joint (PIP) joint flexion of 0 to 20 degrees, and that he had an open nasal canal and a slight bump over the base of his nose. He diagnosed healed fracture of nasal bones and fracture-dislocation of the right little finger, noting that the finger fracture was healed but needed therapy to promote flexion of the finger. Dr. Xeller stated, "[Appellant] is able to work but at this time should wear protective splint of [little] finger." He advised that he needed to be referred to a hand surgeon and should undergo

occupational therapy to promote motion of the right little finger. Dr. Xeller indicated that appellant might need a capsulotomy for the right little finger. In a July 12, 2025 work capacity evaluation (Form OWCP-5c), he opined that he could perform his usual job without restrictions. Dr. Xeller stated that appellant “can work normally” and noted that he should wear a splint on his right little finger.

On July 28, 2025 appellant, through counsel, requested an oral hearing before a representative of OWCP’s Branch of Hearings and Review. A hearing was held on January 20, 2026.

By decision dated March 4, 2026, OWCP’s hearing representative affirmed the July 15, 2025 decision.

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.³

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.⁴ Disability is thus not synonymous with physical impairment, which may or may not result in an incapacity to earn wages.⁵ An employee who has a physical impairment causally related to a federal employment 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.⁶ When, however, the medical evidence establishes that the residuals or sequelae of an employment injury are such that, from a medical standpoint, they prevent the employee from continuing in his or her employment, he or she is entitled to compensation for loss of wages.⁷

The medical evidence required to establish causal relationship between a claimed period of disability and an employment injury is rationalized medical opinion evidence. 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 disability and the accepted employment injury.⁸

³ *J.N.*, Docket No. 26-0379 (issued June 23, 2026); *S.W.*, Docket No. 18-1529 (issued April 19, 2019); *J.F.*, Docket No. 09-1061 (issued November 17, 2009); *Kathryn Haggerty*, 45 ECAB 383 (1994); *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁴ 20 C.F.R. § 10.5(f).

⁵ See *T.E.*, Docket No. 26-0248 (issued June 17, 2026); *L.W.*, Docket No. 17-1685 (issued October 9, 2018).

⁶ See *K.H.*, Docket No. 19-1635 (issued March 5, 2020).

⁷ See *J.S.*, Docket No. 26-0155 (issued May 20, 2026); *D.R.*, Docket No. 18-0323 (issued October 2, 2018).

⁸ *S.J.*, Docket No. 17-0828 (issued December 20, 2017); *Kathryn E. DeMarsh*, 56 ECAB 677 (2005).

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.⁹

ANALYSIS

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

In a July 12, 2025 report, Dr. Xeller, the OWCP referral physician, diagnosed healed fracture of nasal bones and fracture-dislocation of the right little finger, noting that the finger fracture was healed but needed therapy to promote flexion of the finger. He stated, “[Appellant] is able to work but at this time should wear protective splint of [little] finger.” Dr. Xeller advised that he should undergo occupational therapy to promote motion of the right little finger. In a July 12, 2025 Form OWCP-5c, he opined that appellant could perform his usual job without restrictions. OWCP, however, did not request that Dr. Xeller address the specific claimed period of disability.¹⁰

It is well established that proceedings under FECA are not adversarial in nature, nor is OWCP a disinterested arbiter. While the claimant has the burden of proof to establish entitlement to compensation, OWCP shares the responsibility in the development of the evidence to see that justice is done.¹¹ Once OWCP undertakes development of the medical evidence, it must resolve the relevant issues in the case.¹²

The case must therefore be remanded for further development. On remand, OWCP shall obtain a supplemental report from Dr. Xeller specifying whether appellant was disabled from work commencing April 10, 2025, causally related to the accepted September 9, 2024 employment injury. If Dr. Xeller is unable to provide a supplemental report, OWCP shall refer appellant, along with the case record and a SOAF to a new second opinion physician for the purpose of obtaining a rationalized medical opinion on the issue.¹³ After this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.

⁹ *K.A.*, Docket No. 19-1564 (issued June 3, 2020); *J.B.*, Docket No. 19-0715 (issued September 12, 2019); *William A. Archer*, 55 ECAB 674 (2004); *Fereidoon Kharabi*, 52 ECAB 291, 293 (2001).

¹⁰ See *D.A.*, Docket No. 25-0909 (issued February 18, 2026); *J.J.*, Docket No. 25-0925 (issued January 29, 2026); *A.B.*, Docket No. 25-0504 (issued June 20, 2025); *C.R.*, Docket No. 25-0245 (issued April 3, 2025); *J.V.*, Docket No. 24-0621 (issued September 19, 2024); *D.F.*, Docket No. 25-0111 (issued December 17, 2024); *J.A.*, Docket No. 24-0889 (issued December 11, 2024); *M.R.*, Docket No. 24-0562 (issued September 26, 2024).

¹¹ See *M.S.*, Docket No. 23-1125 (issued June 10, 2024); *E.B.*, Docket No. 22-1384 (issued January 24, 2024); *J.R.*, Docket No. 19-1321 (issued February 7, 2020); *S.S.*, Docket No. 18-0397 (issued January 15, 2019).

¹² See *K.A.*, Docket No. 23-0773 (issued November 1, 2024); *S.A.*, Docket No. 18-1024 (issued March 12, 2020); *L.B.*, Docket No. 19-0432 (issued July 23, 2019); *William J. Cantrell*, 34 ECAB 1223 (1983).

¹³ See *D.A.*, *supra* note 10. See also *J.H.*, Docket No. 19-1476 (issued March 23, 2021); *R.O.*, Docket No. 19-0885 (issued November 4, 2019); *Talmadge Miller*, 47 ECAB 673 (1996).

CONCLUSION

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

ORDER

IT IS HEREBY ORDERED THAT the March 4, 2026 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