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T.E., Appellant	)	
	)	
and	)	Docket No. 26-0248
	)	Issued: June 17, 2026
U.S. POSTAL SERVICE, SCRANTON	)	
PROCESSING & DISTRIBUTION CENTER,	)	
Philadelphia, PA, Employer	)	
	)	

Case Submitted on the Record

Office of Solicitor, for the Director

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

On January 15, 2026 appellant, through counsel, filed a timely appeal from an August 8, 2025 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.³

² 5 U.S.C. § 8101 *et seq.*

³ The Board notes that, following the August 8, 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.*

ISSUE

The issue is whether appellant has met her burden of proof to establish disability from work during the period November 12, 2022 through July 26, 2023, causally related to the accepted September 28, 2022 employment injury.

FACTUAL HISTORY

On September 29, 2022 appellant, then a 50-year-old mail handler, filed a traumatic injury claim (Form CA-1) alleging that on September 28, 2022 she sustained injuries to her head, neck, and back when a box of heavy catalogs and packages collapsed on her head while in the performance of duty. She stopped work on that date.

On November 10, 2022 Dr. Kara Brezinski-Clark, an osteopath Board-certified in family medicine, found appellant totally disabled from work from November 7 through 18, 2022.

On November 15, 2022 appellant filed a claim for compensation (Form CA-7) for disability from work during the period November 12 through 18, 2022. On December 8, 2022 she filed a Form CA-7 requesting night differential from November 12 through 18, 2022. Appellant continued to complete CA-7 forms for the period November 19, 2022 through July 25, 2023.

On November 18, 2022 Dr. Brezinski-Clark diagnosed cervical radiculopathy and primary insomnia, and found that appellant could return to work on January 1, 2023.

In a November 25, 2022 treatment note, Dr. Michael H. Haak, a Board-certified orthopedic surgeon, related appellant's history of injury on September 28, 2022 when a heavy box slipped from a machine and hit her on the head and neck. He diagnosed neck pain, cervical radiculopathy, cervical degenerative disc disease, cervical stenosis, and cervical spondylolisthesis. Dr. Haak opined that appellant was experiencing neck pain and cervical radicular complaints due to her injury at work with underlying degenerative changes at the cervical spine. He recommended physical therapy.

In a December 21, 2022 note, Dr. Haak related that appellant was totally disabled from work for six weeks. In separate treatment notes of even date, he diagnosed cervical degenerative disc disease, cervical disc disorder with radiculopathy, cervical and thoracic stenosis. Dr. Haak opined that appellant's underlying degenerative disc changes were exacerbated by the September 28, 2022 employment incident, which resulted in neck pain, upper back pain, and cervical radiculopathy with numbness, tingling, and "pins and needles" in her arms and hands. He again determined that appellant should not work for six weeks and prescribed physical therapy three times a week. Dr. Haak also recommended a cervical epidural injection. He repeated his findings and diagnoses on December 27 and 30, 2022.

By decision dated January 4, 2023, OWCP denied appellant's claim, finding that the medical evidence of record was insufficient to establish a diagnosis in connection with the accepted September 28, 2022 employment incident. It concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

In a February 1, 2023 report, Dr. Haak related that appellant was unable to work due to the September 28, 2022 employment incident. He opined that she experienced underlying

degenerative disc problems in her neck which were exacerbated by the September 28, 2022 employment incident. Dr. Haak diagnosed cervical degenerative disc disease, cervicalgia, cervical kyphosis, and cervical radiculopathy. He concluded that appellant was experiencing cervical radiculopathy from an on-the-job injury and prescribed physical therapy.

In a separate note dated February 1, 2023, Dr. Haak found that appellant was totally disabled from work for six weeks.

In additional treatment notes dated February 1, 2023, and February 5, 2023, Dr. Haak repeated his prior findings and recommended continued physical therapy three times a week for six weeks. He also found that appellant was totally disabled from work for six weeks.

In a February 7, 2023 treatment note, Dr. Haak opined that the September 28, 2022 employment incident exacerbated appellant's underlying degenerative disc disease and cervical kyphosis. He recommended physical therapy three times a week and found that she was totally disabled for six weeks.

In a March 3, 2023 note, Dr. Laryssa Richards Loncar, an osteopath, related the history of injury on September 28, 2022 resulting in right shoulder and neck pain when appellant was crushed by packages. She diagnosed mild cervical degenerative changes, neural foraminal narrowing, and degenerative endplate changes demonstrated by electrodiagnostic studies.

Dr. Haak examined appellant on March 15, 2023 and diagnosed cervical degenerative disc disease, kyphosis of the cervical region, arthralgia of the right acromioclavicular joint, and cervical disc disorder with radiculopathy. He determined that her work incident exacerbated underlying degenerative disc problems which were asymptomatic or minimally symptomatic and that she was now experiencing more severe problems. Dr. Haak found that appellant was unable to perform her job duties and was totally disabled due to the September 28, 2022 employment incident through April 26, 2023.

In an April 21, 2023 note, Dr. Haak diagnosed cervical degenerative disc disease, kyphosis of the cervical region, cervical disc disorder with radiculopathy, cervical radiculopathy and cervical and thoracic spine stenosis. He opined that appellant was unable to perform her job due to the September 28, 2022 injury and was totally disabled from work through June 5, 2023. Dr. Haak completed a separate report dated April 21, 2023, wherein he listed appellant's symptoms of neck, shoulder, and arm pain after an on-the-job injury. He reviewed electrodiagnostic studies and diagnosed degenerative cervical kyphosis which was likely asymptomatic until the September 28, 2022 injury. Dr. Haak opined that the accepted employment incident exacerbated the underlying degenerative problems. He found that appellant was symptomatic with neck, shoulder, and cervical radiculopathy pain on the right side. Appellant requested to return to work and Dr. Haak recommended a functional capacity evaluation (FCE) to determine her "safe limits" and whether these allow her to return to work in some capacity. He recommended six weeks of additional physical therapy and found that she was totally disabled from work during this period.

In May 4 and June 5, 2023 notes, Dr. Haak provided a history of injury and physical findings, including tenderness in the posterior cervical spine, reduced range of motion secondary to neck pain, and mildly positive Spurling sign with radiation to the shoulder. He diagnosed cervical degenerative disc disease, cervical radiculopathy, cervical kyphosis, and right shoulder

pain. Dr. Haak opined that appellant was symptomatic because of her on-the-job injury exacerbating underlying degenerative disc changes in her neck which had been asymptomatic. He found that she was totally disabled from work for six weeks and recommended physical therapy twice a week for four weeks. Dr. Haak also requested an FCE to determine if appellant could return to work.

A July 14, 2023 FCE performed on July 12, 2023 determined that appellant was able to work at the light-duty physical demand level lifting up to 20 pounds. She put forth good effort and nonorganic signs were not present. Appellant was found capable of standing for five hours, lifting 20 pounds for five hours, walking for four hours, sitting for three hours, pushing and pulling for four hours, bending for two hours, twisting for two hours and reaching above the shoulder for one hour.

On July 19, 2023 Dr. Haak released appellant to return to work with restrictions in keeping with the FCE. In a separate note of even date, he repeated his prior diagnoses and opinion that appellant could return to work.

On August 2, 2023 appellant accepted a modified mail handler position with no lifting above 20 pounds.

In a November 21, 2023 report, Dr. Haak described the September 28, 2022 injury and on physical examination related mild reversal of the cervical lordosis with straightening, right paraspinal muscle tenderness, and decreased range of motion. He diagnosed cervicgia, cervical radiculopathy, cervical degenerative disc disease, cervical stenosis, and cervical spondylolisthesis. Dr. Haak recommended continued physical therapy through June 5, 2023. He released appellant to return to work, but found that her neck pain, upper back pain, shoulder pain, and cervical radiculopathy symptoms had not resolved. Dr. Haak recommended additional medication, physical therapy, injection therapies, and possibly anterior cervical discectomy and fusion.

OWCP accepted appellant's claim on January 26, 2024 for aggravation of cervical degenerative disc disease and aggravation of cervical radiculopathy.

In a development letter dated January 26, 2024, OWCP informed appellant of the deficiencies of her claim for disability from work commencing November 12, 2022. It advised her of the type of medical evidence needed to establish her claim and afforded her 30 days to submit the necessary evidence.

OWCP subsequently received additional evidence. Appellant provided physical therapy notes dated October 14, 2022 through April 6, 2024.

In a February 12, 2024 report, Dr. Haak determined that appellant's accepted conditions were not temporary and that there was no evidence that the accepted aggravation had ceased. He further noted that the FCE demonstrated permanent limitations including lifting, pushing, pull, and overhead activities. Dr. Haak concluded that her work capacity would not change unless she underwent corrective surgical treatment.

In a February 14, 2024 note, Dr. Brezinski-Clark diagnosed work-related cervicgia, trapezius muscle spasms, and acute left-sided lower back pain with left-sided sciatica. She found that appellant was totally disabled from October 6, 2022 through January 1, 2023.

By decision dated January 15, 2025, 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 November 12, 2022 through July 26, 2023, causally related to her accepted September 28, 2022 employment injury.

On January 21, 2025 appellant, through counsel, requested an oral hearing before a representative of OWCP's Branch of Hearings and Review. A hearing was held on April 17, 2025. Appellant testified that she stopped working at the employing establishment on August 16, 2024.

By decision dated August 8, 2025, OWCP's hearing representative affirmed the January 15, 2025 decision in part, finding that appellant had not established total disability from work for the period November 12, 2022 through July 26, 2023, causally related to her accepted September 28, 2022 employment injury.⁴

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.⁵

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.⁶ Disability is thus not synonymous with physical impairment, which may or may not result in an incapacity to earn wages.⁷ 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.⁸ 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.⁹

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

⁴ The hearing representative also reversed the January 15, 2025 decision in part and authorized wage-loss compensation for specific medical examinations and treatments.

⁵ *L.S.*, Docket No. 25-0862 (issued March 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).

⁶ 20 C.F.R. § 10.5(f).

⁷ See *L.W.*, Docket No. 17-1685 (issued October 9, 2018).

⁸ See *K.H.*, Docket No. 19-1635 (issued March 5, 2020).

⁹ See *D.R.*, Docket No. 18-0323 (issued October 2, 2018).

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.¹⁰

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.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 their disability and entitlement to compensation.¹²

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish disability from work during the period November 12, 2022 through July 26, 2023, causally related to the accepted September 28, 2022 employment injury.

OWCP accepted appellant's claim for aggravation of cervical radiculopathy and aggravation of cervical degenerative disc disease. Commencing December 21, 2022, Dr. Haak provided diagnoses of cervical radiculopathy, cervical degenerative disc disease, cervical stenosis, and cervical spondylolisthesis and found that appellant was temporarily totally disabled from work. He continued to support total disability from work in notes dated December 27, 2022 through June 5, 2023. However, Dr. Haak did not explain with medical rationale how or why appellant's disability from work during the claimed period was causally related to the accepted September 28, 2022 employment injury. The Board has held that a report is of limited probative value regarding causal relationship if it does not contain medical rationale explaining how a given medical condition/disability was related to employment factors.¹³ Thus, this evidence is insufficient to establish appellant's disability claim.

Dr. Brezinski-Clark provided a series of notes dated November 10, 2022 through February 14, 2024 diagnosing cervical radiculopathy and finding appellant totally disabled from work from October 6, 2022 through January 1, 2023. However, she did not provide rationale for her opinion. As such, these notes are of limited probative value and are insufficient on the issue of causal relationship.¹⁴ Therefore, this evidence is insufficient to establish appellant's disability claim.

In a March 3, 2023 note, Dr. Loncar related the history of injury on September 28, 2022 resulting in right shoulder and neck pain when appellant was crushed by packages and diagnosed mild cervical degenerative changes, neural foraminal narrowing, and degenerative endplate

¹⁰ *S.J.*, Docket No. 17-0828 (issued December 20, 2017); *Kathryn E. DeMarsh*, 56 ECAB 677 (2005).

¹¹ *See B.D.*, Docket No. 18-0426 (issued July 17, 2019); *Amelia S. Jefferson*, 57 ECAB 183 (2005); *Fereidoon Kharabi*, 52 ECAB 291, 293 (2001).

¹² *Id.*

¹³ *See A.P.*, Docket No. 26-0138 (issued April 16, 2026); *Y.D.*, Docket No. 16-1896 (issued February 10, 2017).

¹⁴ *Id.*; *see also C.B. (S.B.)*, Docket No. 19-1629 (issued April 7, 2020); *Deborah T. Lyon*, Docket No. 05-116 (issued December 9, 2005).

changes demonstrated by electrodiagnostic studies. She did not offer an opinion on disability from work during the claimed period causally related to the accepted September 28, 2022 employment injury. The Board has held that medical evidence that does not offer an opinion regarding the cause of an employee's condition or disability is of no probative value. Therefore, this evidence is of no probative value and is insufficient to establish the disability claim.¹⁵

The remainder of the evidence of record consists of physical therapy notes dated October 14, 2022 through April 6, 2024. However, certain healthcare providers such as physical therapists are not considered physicians as defined under FECA, and as such, these reports do not constitute competent medical evidence.¹⁶

As the medical evidence of record is insufficient to establish causal relationship between the claimed period of disability and the accepted September 28, 2022 employment injury, the Board finds that appellant has not met her 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 her burden of proof to establish disability from work during the period November 12, 2022 through July 26, 2023, causally related to the accepted September 28, 2022 employment injury.

¹⁵ *J.M.*, Docket No. 26-0190 (issued April 1, 2026); *F.B.*, Docket No. 22-0679 (issued January 23, 2024); *Y.S.*, Docket No. 19-1572 (issued March 12, 2020). *See also T.H.*, Docket No. 23-0811 (issued February 13, 2024); *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

¹⁶ Section 8102(2) of FECA provides as follows: physician includes surgeons, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, and osteopathic practitioners within the scope of their practice as defined by State law. 5 U.S.C. § 8102(2); 20 C.F.R. § 10.5(t). *See* Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.805.3a(1) (May 2023); *David P. Sawchuk*, 57 ECAB 316, 320 n.11 (2006) (lay individuals such as physician assistants, nurses, and physical therapists are not competent to render a medical opinion under FECA); *see also M.P.*, Docket No. 26-0018 (issued March 18, 2026) (physical therapists and physician assistants are not considered physicians under FECA and are not competent to provide medical opinions).

ORDER

IT IS HEREBY ORDERED THAT the August 8, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: June 17, 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