

² The Board notes that, following the February 12, 2026 decision, OWCP received additional evidence. 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.*

injury; and (2) whether appellant has met her burden of proof to establish continuing disability and/or residuals on or after September 24, 2025, causally related to the accepted March 12, 2019 employment injury.

FACTUAL HISTORY

On March 24, 2019 appellant, then a 48-year-old mail handler, filed a traumatic injury claim (Form CA-1) alleging that, on March 12, 2019, she injured her right shoulder when she cut bundles of mail and tore plastic while in the performance of duty. She stopped work on the date of injury and returned to part-time modified-duty work on March 24, 2019. OWCP accepted the claim for right rotator cuff strain and impingement syndrome of the right shoulder. It paid appellant wage-loss compensation on the supplemental rolls.

A magnetic resonance imaging (MRI) scan of the right shoulder dated May 17, 2019 demonstrated moderate chondromalacia involving the glenohumeral articulation, fraying of the labrum, subacromial impingement, tendinopathy, and a partial tear through the middle and superior glenohumeral ligaments.

Beginning in November 2019, appellant came under the care of Dr. Ryan J. Kehoe, a Board-certified orthopedic surgeon, for her right shoulder complaints. Dr. Kehoe documented physical examination findings, diagnosed chondromalacia and impingement of the right shoulder, and performed an arthrocentesis aspiration and bursa injection. In reports dated January 28, 2020 and February 6, 2025, he noted persistent right shoulder impingement on examination and that appellant had “tried to get back to full duty many times in the past but [was] unable to do so.” Dr. Kehoe also opined that she had a permanent restriction of four hours of work per day, due to her right shoulder condition.

On April 22, 2025 OWCP referred appellant, together with a statement of accepted facts (SOAF), the medical record, and a series of questions, to Dr. Joshua Alpert, a Board-certified orthopedic surgeon, for a second opinion evaluation to determine whether she continued to suffer from residuals and/or disability causally related to the accepted employment injury.

In a June 24, 2025 report, Dr. Alpert noted his review of the SOAF and the medical record. He related appellant’s current complaints of throbbing, achiness, and difficulty lifting with the right shoulder. Dr. Alpert performed a physical examination and observed a positive impingement test. He diagnosed right shoulder strain and aggravation of impingement and noted that “those symptoms are ongoing but are, more likely than not, due to a degenerative condition, as opposed to a work-related condition.” Dr. Alpert opined that the acute work-related injury had resolved. He also indicated that “as it relates to her nonwork-related condition, [appellant] may have challenges working full duty without restrictions.”

By notice dated July 25, 2025, OWCP advised appellant that it proposed to terminate her wage-loss compensation and medical benefits based on Dr. Alpert’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.

In a medical report dated July 25, 2025, Dr. Kehoe reviewed the June 24, 2025 report of Dr. Alpert and noted appellant's right shoulder complaints. He performed a physical examination and observed positive impingement testing and rotator cuff weakness. Dr. Kehoe diagnosed right shoulder dysfunction. He opined that appellant's work-related condition had not resolved. In a work status report of even date, Dr. Kehoe reiterated that appellant had a permanent restriction of four hours of work per day, due to her right shoulder condition.

By decision dated September 24, 2025, OWCP terminated appellant's entitlement to wage-loss compensation and medical benefits, effective that date. It found that Dr. Alpert's opinion constituted the weight of the medical opinion evidence and established that appellant no longer had disability or residuals causally related to the accepted March 12, 2019 employment injury.

OWCP continued to receive evidence, including a work status report by Dr. Kehoe dated September 26, 2025 who again noted a permanent restriction of four hours of work per day. Dr. Kehoe also indicated that she could not lift greater than 10 pounds due to her right shoulder condition.

On October 15, 2025 appellant requested a review of the written record by a representative of OWCP's Branch of Hearings and Review.

OWCP subsequently received a September 26, 2025 medical report by Dr. Kehoe, who performed a physical examination and observed pain over the long head of the biceps tendon through the impingement arc. Dr. Kehoe diagnosed synovitis, tenosynovitis, and impingement of the right shoulder and recommended work restrictions.

By decision dated February 12, 2026, OWCP's hearing representative affirmed the September 24, 2025 decision.

LEGAL PRECEDENT – ISSUE 1

Once OWCP accepts a claim and pays compensation, it has the burden of proof to justify termination or modification of an employee's benefits.³ After it has determined that, an employee has disability causally related to his or her federal employment, OWCP may not terminate compensation without establishing that the disability has ceased or that it is no longer related to the employment.⁴ Its burden of proof includes the necessity of furnishing rationalized medical opinion evidence based on a proper factual and medical background.⁵

³ *R.G.*, Docket No. 22-0165 (issued August 11, 2022); *D.G.*, Docket No. 19-1259 (issued January 29, 2020); *S.F.*, 59 ECAB 642 (2008); *Kelly Y. Simpson*, 57 ECAB 197 (2005); *Paul L. Stewart*, 54 ECAB 824 (2003).

⁴ *See R.P.*, Docket No. 17-1133 (issued January 18, 2018); *Jason C. Armstrong*, 40 ECAB 907 (1989); *Charles E. Minnis*, 40 ECAB 708 (1989); *Vivien L. Minor*, 37 ECAB 541 (1986).

⁵ *R.L.*, Docket No. 22-1175 (issued May 11, 2023); *M.C.*, Docket No. 18-1374 (issued April 23, 2019); *Del K. Rykert*, 40 ECAB 284, 295-96 (1988).

The right to medical benefits for an accepted condition is not limited to the period of entitlement for disability compensation.⁶ To terminate authorization for medical treatment, OWCP must establish that appellant no longer has residuals of an employment-related condition which require further medical treatment.⁷

ANALYSIS -- ISSUE 1

The Board finds that OWCP failed to meet its burden of proof to terminate appellant's entitlement to wage-loss compensation and medical benefits, effective September 24, 2025.

Dr. Alpert, the second opinion physician, noted his review of the SOAF and appellant's current complaints in his June 24, 2025 report. He opined that appellant's ongoing symptoms, examination findings, and work restrictions were "more likely than not, due to a degenerative condition." However, he failed to provide a well-rationalized medical opinion explaining how she ceased to have residuals related to her accepted conditions.⁸ Dr. Alpert performed a physical examination and observed a positive impingement test in the right shoulder. He diagnosed a right shoulder strain and aggravation of impingement and noted that "those symptoms are ongoing," and that she was not able to perform full-duty work. Although he attributed her ongoing symptoms, examination findings, and work restrictions to a degenerative condition, the Board finds that Dr. Alpert's opinion was conclusory in nature. 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.⁹

The Board, therefore, finds that the opinion of Dr. Alpert does not have 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 March 12, 2019 employment injury.¹⁰ Accordingly, the Board finds that OWCP failed to meet its burden of proof to terminate appellant's entitlement to wage-loss compensation and medical benefits, effective September 24, 2025.¹¹

⁶ *P.K.*, Docket No. 22-1345 (issued June 28, 2023); *A.G.*, Docket No. 19-0220 (issued August 1, 2019); *T.P.*, 58 ECAB 524 (2007); *Kathryn E. Demarsh*, 56 ECAB 677 (2005); *Furman G. Peake*, 41 ECAB 361, 364 (1990).

⁷ See *A.G.*, *id.*; *James F. Weikel*, 54 ECAB 660 (2003); *Pamela K. Guesford*, 53 ECAB 727 (2002).

⁸ *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).

⁹ *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).

¹⁰ See *V.D.*, Docket No. 26-0229 (issued May 5, 2026).

¹¹ In light of the Board's disposition of Issue 1, Issue 2 is rendered moot.

CONCLUSION

The Board finds that OWCP failed to meet its burden of proof to terminate appellant's entitlement to wage-loss compensation and medical benefits, effective September 24, 2025.

ORDER

IT IS HEREBY ORDERED THAT the September 24, 2025 decision of the Office of Workers' Compensation Programs is reversed. The February 12, 2026 decision of the Office of the Workers' Compensation Programs is set aside as moot.

Issued: June 22, 2026
Washington, DC

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

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board