

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

J.P., Appellant)	
)	
and)	Docket No. 26-0102
)	Issued: March 9, 2026
U.S. POSTAL SERVICE, NORTH HOUSTON)	
PROCESSING & DISTRIBUTION CENTER,)	
Houston, TX, Employer)	
)	

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

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

JURISDICTION

On November 10, 2025 appellant filed a timely appeal from an October 30, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act¹ (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case

ISSUE

The issue is whether appellant has met his burden of proof to establish a medical condition causally related to the accepted factors of his federal employment.

FACTUAL HISTORY

On January 5, 2025 appellant, then a 46-year-old operations specialist, filed an occupational disease claim (Form CA-2) alleging that he sustained a lower back injury due to factors of his federal employment including heavy lifting, pushing, and pulling of equipment. He

¹ 5 U.S.C. § 8101 *et seq.*

noted that he first became aware of his condition on November 10, 2024, and realized the relationship to his federal employment on December 14, 2024. Appellant did not stop work.

In a December 24, 2024 unsigned hospital visit note, appellant's diagnosis was listed as lumbar spinal stenosis without neurogenic claudication.

In a December 31, 2024 hospital visit note, Dr. Emmanuel Chigozie Achilike, a Board-certified physiatrist, diagnosed muscle disorder, gait and mobility abnormalities.

In a development letter dated January 10, 2025, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence necessary to establish his claim and provided a questionnaire for his completion. OWCP afforded appellant 60 days to respond.

In a January 30, 2025 note, Dr. Nzube Okonkwo, a Board-certified family medicine physician, diagnosed lumbar spinal stenosis and lower back pain. He found appellant disabled from work until March 29, 2025. Dr. Okonkwo referred appellant to neurosurgery and physical therapy.

In a follow-up letter dated February 10, 2025, OWCP advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish his claim. It noted that he had 60 days from the January 10, 2025 letter to submit the requested necessary evidence. OWCP further advised that if the evidence was not received during this time, it would issue a decision based on the evidence contained in the record.

A December 16, 2024 lumbar computerized tomography scan (CT) of appellant's lumbar spine revealed L3-4 probable disc extrusion likely with impingement on the exiting left L3 nerve. A December 18, 2024 magnetic resonance imaging (MRI) scan demonstrated L1-2 mild facet disease; L3-4 left side degenerative changes; L4-5 mild-to-moderate facet disease ligament flavum thickening, mild disc bulge; L5-S1 mild facet disease and disc bulge.

In a February 20, 2025 office visit note, Dr. Okonkwo recounted appellant's medical history. He related appellant's physical examination findings of no tenderness, severe lower back pain, left leg pain, and crepitus. Dr. Okonkwo diagnosed lumbar spinal stenosis without neurogenic claudication, chronic pain syndrome, idiopathic peripheral autonomic neuropathy, intervertebral lumbar disc disorders with radiculopathy. He noted appellant's job duties and opined that while his symptoms did not progress while he was at work, he believed that appellant's "job duties and strenuous activities involved with his job likely contributed to his back symptoms."

By decision dated March 12, 2025, OWCP denied appellant's claim, finding that the medical evidence of record was insufficient to establish causal relationship between a medical condition and the accepted employment factors.

In a note dated May 9, 2025, Dr. Okonkwo provided appellant's work restrictions.

On August 29, 2025 appellant requested reconsideration.

By decision dated September 16, 2025, OWCP denied modification.

OWCP subsequently received a September 3, 2025 report from Dr. Robert C. Lowry, a physiatrist, which related appellant's history of intermittent pain and discomfort beginning on or around November 10, 2024. Dr. Lowry noted that appellant's employment duties required repetitive and prolonged lifting, pushing, and pulling heavy equipment 10 hours per day, six days a week, and required moving 100 pieces of equipment weighing 600 to 1,000 pounds each, lifting and carrying mail sacks weighing up to 70 pounds to load into containers. Appellant related that his symptoms worsened as he continued performing his work duties. Dr. Lowry opined that appellant's repetitive pushing, pulling, bending, stooping, squatting, carrying, and lifting heavy objects during his employment led to lumbar spinal stenosis and fatigue. These employment duties led to lumbar spine disc displacement. Dr. Lowry explained that disc bulges or protrusion can impinge on nerve roots causing radiculopathy. Appellant's job duties over the years caused lumbar spinal stenosis, which is spinal canal narrowing that can place pressure on spinal cord nerve roots. Dr. Lowry related that spinal stenosis occurs from spinal injuries and herniated discs, which appellant suffered due to his job duties. He noted appellant's condition led to surgery which occurred on March 19, 2025. On examination, Dr. Lowry found 90 degrees bilateral straight leg raising, decreased left lower extremity sensation, paraspinal tenderness 2/4, swelling 2/4, and muscle spasm 2/4. He diagnosed lumbar disc displacement, lumbar radiculopathy, and lumbar facet arthropathy.

On October 15, 2025 appellant requested reconsideration.

By decision dated October 30, 2025, OWCP denied modification.

LEGAL PRECEDENT

An employee seeking benefits under FECA² has the burden of proof to establish the essential elements of his or her claim, including the fact that the individual is an employee of the United States within the meaning of FECA, that the claim was timely filed within the applicable time limitation of FECA, that an injury was sustained in the performance of duty as alleged, and that any disability or medical condition for which compensation is claimed is causally related to the employment injury.³ These are the essential elements of each and every compensation claim, regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit: (1) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; (2) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; and (3) rationalized medical evidence establishing that the diagnosed condition is causally related to the identified employment factors.⁴

² *Id.*

³ *A.E.*, Docket No. 25-0894 (issued December 17, 2025); *C.L.*, Docket No. 25-0593 (issued July 15, 2025); *K.M.*, Docket No. 24-0752 (issued October 16, 2024); *C.K.*, Docket No. 19-1549 (issued June 30, 2020); *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁴ *A.E.*, *id.*; *C.L.*, *id.*; *M.Y.*, Docket No. 24-0865 (issued October 18, 2024); *L.D.*, Docket No. 19-1301 (issued January 29, 2020); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.⁵ The opinion of the physician must be based on a complete factual and medical background, must be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors.⁶

ANALYSIS

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

In his September 3, 2025 report, Dr. Lowry recounted an accurate history of appellant's medical treatment and provided a recitation of his employment duties. He diagnosed lumbar disc displacement, lumbar radiculopathy, and lumbar facet arthropathy. Dr. Lowry explained that physiologically appellant's job duties over the years led to lumbar spine disc displacement. He further explained that disc bulges or protrusions can impinge on nerve roots causing radiculopathy. Dr. Lowry also related that appellant's job duties caused lumbar spinal stenosis, which was spinal canal narrowing that could place pressure on spinal cord nerve roots. He related that spinal stenosis occurred from spinal injuries and herniated discs, which appellant suffered due to his job duties. The Board finds that although Dr. Lowry's opinion is insufficiently rationalized to establish causal relationship, it is sufficient to require further development of the medical opinion evidence.⁷

It is well established that proceedings under FECA are not adversarial in nature and, while appellant has the burden to establish entitlement to compensation, OWCP shares responsibility in the development of the evidence.⁸ OWCP has an obligation to see that justice is done.⁹

The Board shall, therefore, remand the case to OWCP for further development of the medical evidence. On remand, OWCP shall refer appellant, along with a statement of accepted facts and the case record, to a specialist in the appropriate field of medicine for a reasoned opinion regarding whether appellant sustained a lumbar condition causally related to the accepted employment factors. If the second opinion physician disagrees with the opinion of Dr. Lowry, he

⁵ *A.E., id.*; *E.K.*, Docket No. 25-0077 (issued January 21, 2025); *I.J.*, Docket No. 19-1343 (issued February 26, 2020); *T.H.*, 59 ECAB 388 (2008); *Robert G. Morris*, 48 ECAB 238 (1996).

⁶ *A.E., id.*; *P.V.*, Docket No. 25-0547 (issued June 23, 2025); *S.W.*, Docket No. 25-0261 (issued February 24, 2025); *D.W.*, Docket No. 24-0492 (issued January 14, 2025); *D.J.*, Docket No. 19-1301 (issued January 29, 2020); *A.T.*, Docket No. 18-0221 (issued June 7, 2018).

⁷ *G.M.*, Docket No. 25-0728 (issued September 12, 2025); *J.H.*, Docket No. 25-0565 (issued June 24, 2025); *L.N.*, Docket No. 25-0173 (issued March 6, 2025); *J.K.*, Docket No. 20-0816 (issued May 4, 2022); *M.H.*, Docket No. 18-1068 (issued June 2, 2020); *D.S.*, Docket No. 17-1359 (issued May 3, 2019); *X.V.*, Docket No. 18-1360 (issued April 12, 2019); *C.M.*, Docket No. 17-1977 (issued January 29, 2019); *E.J.*, Docket No. 09-1481 (issued February 19, 2010); *John J. Carlone*, 41 ECAB 354 (1989); *William J. Cantrell*, 34 ECAB 1223 (1983).

⁸ *Id.*; see also *C.S.*, Docket No. 24-0819 (issued October 16, 2024); *S.G.*, Docket No. 22-0330 (issued April 4, 2023); see *M.G.*, Docket No. 18-1310 (issued April 16, 2019); *Walter A. Fundinger, Jr.*, 37 ECAB 200, 204 (1985); *Michael Gallo*, 29 ECAB 159, 161 (1978).

⁹ See *G.M.*, *supra* note 7; *J.H.*, *supra* note 7; *L.N.*, *supra* note 7; *C.M.*, *supra* note 7; *A.J.*, Docket No. 18-0905 (issued December 10, 2018); *B.C.*, Docket No. 15-1853 (issued January 19, 2016); *E.J.*, *supra* note 7; *John J. Carlone*, *supra* note 7.

or she must provide a fully-rationalized explanation of why the accepted employment factors are insufficient to have caused or aggravated appellant's medical conditions. After this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.

CONCLUSION

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

ORDER

IT IS HEREBY ORDERED THAT the October 30, 2025 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: March 9, 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