United States Department of Labor
Employees' Compensation Appeals Board

B.B., Appellant **and** **DEPARTMENT OF THE INTERIOR, NATIONAL PARK SERVICE, NORTH CASCADES NATIONAL PARK, Marblemount, WA, Employer**	)	**Docket No. 26-0139** **Issued: March 6, 2026**

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

Case Submitted on the Record

ORDER REMANDING CASE

Before:
ALEC J. KOROMILAS, Chief Judge
PATRICIA H. FITZGERALD, Deputy Chief Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

On December 1, 2025, appellant filed a timely appeal from a November 18, 2025, merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards docketed the appeal as No. 26-0139.[1]

On May 2, 2025, appellant, then a 45-year-old park ranger, filed a traumatic injury claim (Form CA-1) alleging that on April 29, 2025 he developed pain in his lower back when sitting at his desk wearing his duty belt while in the performance of duty. He stopped work on May 6, 2025, and returned to full-time modified work on May 20, 2025.

In a narrative report and attending physician's report both dated May 6, 2025, Dr. Daniel J. Burris, a Board-certified family medicine physician, noted that, following an absence, appellant put on his tactical gear belt and felt lumbar spine pain. He related tenderness to palpation over

[1] The Board notes that following the November 18, 2025 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.*

appellant's lumbar spine. Dr. Burris related that appellant should not wear his belt/gear until after a magnetic resonance imaging (MRI) scan was completed. He provided similar information in a May 7, 2015 attending physician's report, Part B of an authorization for examination and/or treatment (Form CA-16).

In reports dated May 19 and August 13, 2025, Dr. Burris noted appellant's May 14, 2025 MRI scan findings and diagnosed protruded lumbar disc.

In a development letter dated August 21, 2025, OWCP informed appellant of the deficiencies of his claim. It advised him of the additional medical and factual evidence required to establish his claim and provided a questionnaire for him to complete. OWCP afforded appellant 60 days to submit the necessary evidence.

In a follow-up letter dated October 3, 2025, OWCP advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish his claim. It informed him that he would be referred for a second opinion evaluation. No such evaluation was scheduled.

In a report dated October 16, 2025, Dr. Ari J. Holtzman, a Board-certified orthopedic surgeon, noted appellant's history of injury and physical examination findings. He diagnosed lumbar strain. Dr. Holzman noted that appellant's pain seemed to be due to pressure on the L5-S1 spinous process from his utility belt, however, he did not see any significant disc protrusion or nerve root involvement on the MRI scan. He recommended that appellant not wear his utility belt.

By decision dated November 18, 2025, OWCP denied appellant's occupational disease claim, finding that the medical evidence of record was insufficient to establish a medical condition causally related to the accepted employment factors.

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

In a follow-up letter dated October 3, 2025, OWCP informed appellant that, due to the insufficiency of the medical evidence submitted, it was going to refer him for a second opinion evaluation. However, it issued its November 18, 2025 decision denying appellant's claim prior to scheduling the evaluation and obtaining a second opinion report. Once OWCP undertakes development of the record, it must do a complete job in procuring medical evidence that will resolve the relevant issues in the case.[2]

The case must, therefore, be remanded for further development of the medical evidence. On remand, OWCP shall refer appellant, along with an updated SOAF and the medical record, to a physician in the appropriate field of medicine to obtain an opinion as to whether appellant has a medical condition causally related to the accepted employment incident. Following this and other such further development deemed necessary, OWCP shall issue a *de novo* decision. Accordingly,

[2] *T.C.,* Docket No. 17-1906 (issued January 10, 2018).

IT IS HEREBY ORDERED THAT the November 18, 2025 decision of the Office of Workers' Compensation Programs is set aside, and this case is remanded for further proceedings consistent with this order of the Board.[3]

Issued: March 6, 2026
Washington, DC

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

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

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board

[3] The Board notes that the employing establishment issued a Form CA-16. A completed Form CA-16 authorization may constitute a contract for payment of medical expenses to a medical facility or physician, when properly executed. The form creates a contractual obligation, which does not involve the employee directly, to pay for the cost of the examination or treatment regardless of the action taken on the claim. *See* 20 C.F.R. § 10.300(c); *S.G.,* Docket No. 23-0552 (issued August 28, 2023); *J.G.,* Docket No. 17-1062 (issued February 13, 2018); *Tracy P. Spillane,* 54 ECAB 608 (2003).