

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

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T.J., Appellant)	
)	
and)	Docket No. 26-0177
)	Issued: March 25, 2026
U.S. POSTAL SERVICE, LIVERMORE ANNEX)	
POST OFFICE, Livermore, CA, Employer)	
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Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:
ALEC J. KOROMILAS, Chief Judge
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On December 11, 2025 appellant filed a timely appeal from a November 25, 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 her burden of proof to establish intermittent disability from work during the period January 28 through December 30, 2022, causally related to the accepted November 26, 2021 employment injury.

FACTUAL HISTORY

On November 29, 2021 appellant, then a 58-year-old mail carrier, filed a traumatic injury claim (Form CA-1) alleging that on November 26, 2021 she sustained injury to her neck,

¹ 5 U.S.C. § 8101 *et seq.*

shoulders, right elbow, back, and legs when she fell over a big rock and landed on her back while in the performance of duty. She stopped work on November 27, 2021, and returned to limited-duty work on a full-time basis on December 7, 2021. The position required lifting/carrying/pushing/pulling up to 10 pounds for eight hours, and standing, walking, bending, and twisting for two hours for each of these activities.

In a January 27, 2022 report, Dr. Massoud Abdali, a Board-certified family practitioner, reported physical examination findings and diagnosed neck strain, bilateral shoulder sprains, thoracic spine sprain, and contusions of the right elbow, right hand, low back, and thighs. He recommended work restrictions including standing or walking no more than 20 cumulative minutes per hour and lifting/carrying/pushing/pulling no more than 10 pounds. On April 29 and May 6, 2022, Dr. Abdali recommended work restrictions including standing or walking no more than 35 cumulative minutes per hour and lifting/carrying/pushing/pulling no more than 10 pounds.

Appellant submitted January 27, 2022 x-rays of the lumbar spine, February 8, 2022 magnetic resonance imaging (MRI) scans of the cervical spine, left shoulder, and right shoulder, and a February 10, 2022 MRI scan of the lumbar spine. She also submitted physical therapy reports, dated from January through April 2022, by Kyle W. Hopson, a physical therapist.

After development of the medical evidence, OWCP accepted appellant's claim on August 22, 2023 for sprains of the neck, bilateral shoulder joints, and ligaments of the thoracic spine, and contusions of the right elbow, right hand, lower back, pelvis, and thighs. It paid her wage-loss compensation for disability from work on the supplemental rolls, effective January 26, 2022.

On April 8 and 11, 2025 appellant filed claims for compensation (Form CA-7) claiming disability from work for intermittent dates during the period January 26 through May 31, 2022. She filed accompanying time analysis forms (Form CA-7a) which revealed that on some dates she claimed disability for a full eight-hour workday, but that on other dates she worked a portion of the workday and claimed disability for the remainder of the workday. On May 20, 2025 appellant filed CA-7 forms claiming disability for intermittent dates during the period June 6 through December 30, 2022. She filed accompanying CA-7a forms which revealed that on some dates she claimed disability for a full eight-hour workday, but that on other dates she worked a portion of the workday and claimed disability for the remainder of the workday.²

On May 20, 2025 OWCP received work status notes from attending physicians. In June 6, 2022 notes, Dr. Arshian Mahajan, a Board-certified family practitioner, placed appellant off work June 6 through 8, 2022. In one of the notes, Dr. Mahajan diagnosed low back pain. In a June 22, 2022 note, Dr. Angelina G. Badillo, a Board-certified internist, diagnosed neck pain and placed appellant off work for June 22, 2022. In a July 6, 2022 note, Dr. Santokh S. Bhullar, a Board-certified internist, placed her off work from July 5 through 7, 2022. In an August 3, 2022 note, Dr. Xiaobo Wang, a Board-certified internist, placed appellant off work August 2 and 3, 2022. In an August 5, 2022 note, Dr. Vandana Jain, a Board-certified internist, placed her off work

² Following receipt of these claim forms, OWCP paid appellant wage-loss compensation for the following dates: January 26 and 27, February 8, 10, 11, 12, 14, 22, and 24, March 26, April 20, May 3, 6, 16, and 25, June 11, 16, and 22, July 5, August 20, and October 5, 2022.

August 5, 2022. In a September 13, 2022 note, Dr. Mehvish Mahmood, a Board-certified internist, placed appellant off work September 13 and 14, 2022. In a November 22, 2022 note, Dr. Yuru Y. Song, a Board-certified internist, placed her off work November 18 through 26, 2022. In a November 28, 2022 note, Dr. Kevin G. Hart, a Board-certified internist, placed appellant off work November 28 and 29, 2022. In a November 30, 2022 note, Dr. Song placed her off work November 28 through December 1, 2022. In a December 1, 2022 note, she diagnosed upper respiratory infection and placed appellant off work from December 2 through 5, 2022. In a December 6, 2022 note, Dr. Song placed her off work December 6, 2022. In a December 30, 2022 note, she placed appellant off work December 29 and 30, 2022.

In May 28, 2025 development letters, OWCP notified appellant of the deficiencies of her disability claim and advised her of the type of evidence needed for the unsupported claimed dates of disability. It afforded her 30 days to respond. No additional evidence was received.

By decision dated July 7, 2025, OWCP denied appellant's claim for intermittent disability during the period January 28 through May 31, 2022,³ finding that the medical evidence of record was insufficient to establish disability from work during the claimed period due to the accepted November 26, 2021 employment injury. It noted that appellant had not established disability for January 28, February 18, and May 31, 2022. OWCP advised that appellant had claimed eight hours of disability for each of these days.

By separate decision dated July 7, 2025, OWCP denied appellant's claim for intermittent disability during the period June 6 through December 1, 2022,⁴ finding that the medical evidence of record was insufficient to establish disability from work during the claimed period due to the accepted November 26, 2021 employment injury. It noted that appellant had not established disability from work for June 6 and 29, 2022; July 6, 7, 9, 15, and 21, 2022; August 2, 3, 5, 23, and 25, 2022; September 8, 10, 13, 16, 17, 19, 29, and 30, 2022; October 13 and 14, 2022; November 18 to December 3, 2022; and December 5, 6, 19, 29, and 30, 2022. OWCP advised that appellant had claimed eight hours of disability for each of these days.

On July 29, 2025 appellant requested a review of the written record by a representative of OWCP's Branch of Hearings and Review.

On July 16, 2025 OWCP received a September 19, 2022 note wherein Dr. Ryan Wu, a Board-certified family practitioner, placed appellant off work for that date. Appellant also resubmitted several work status notes from 2022.

³ OWCP inadvertently listed the start date of appellant's claimed period of intermittent disability as January 26, 2022, in the first paragraph of its July 7, 2025 decision, but it had previously paid appellant for disability on January 26 and 27, 2022. It also listed the end date of appellant's claimed period of intermittent disability as May 25, 2022 in the first paragraph of its July 7, 2025 decision, but correctly noted the end date of the claimed period of disability as of May 31, 2022 in the body of the decision.

⁴ OWCP inadvertently listed the end date of appellant's claimed period of intermittent disability as October 5, 2022 on the first paragraph of its July 7, 2025 decision, but correctly listed the end date of the claimed period of disability as December 30, 2022 in the body of the decision.

By decision dated November 25, 2025, OWCP's hearing representative affirmed OWCP's July 7, 2025 decisions.

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 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

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.¹¹

⁵ *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).

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

¹¹ *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).

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish disability from work for intermittent dates during the period January 28 through December 30, 2022, causally related to the accepted November 26, 2021 employment injury.

In support of her disability claim, appellant submitted work status notes from attending physicians. In June 6, 2022 notes, Dr. Mahajan placed her off work June 6 through 8, 2022. In one of the notes, Dr. Mahajan diagnosed low back pain. In a June 22, 2022 note, Dr. Badillo diagnosed neck pain and placed appellant off work June 22, 2022. In a July 6, 2022 note, Dr. Bhullar placed her off work July 5 through 7, 2022. In an August 3, 2022 note, Dr. Wang placed appellant off work August 2 and 3, 2022. In an August 5, 2022 note, Dr. Jain placed her off work August 5, 2022. In a September 13, 2022 note, Dr. Mahmood placed appellant off work September 13 and 14, 2022. In a September 19, 2022 note, Dr. Wu placed her off work for that date. In a November 22, 2022 note, Dr. Song placed appellant off work November 18 through 26, 2022. In a November 28, 2022 note, Dr. Hart placed her off work November 28 and 29, 2022. In a November 30, 2022 note, Dr. Song placed appellant off work November 28 through December 1, 2022 and, in a December 1, 2022 note, she diagnosed upper respiratory infection and placed her off work December 2 through 5, 2022. In a December 6, 2022 note, Dr. Song placed appellant off work December 6, 2022 and, in a December 30, 2022 note, she placed her off work December 29 and 30, 2022.

However, none of these physicians provided an opinion on the cause of the indicated periods of disability. The physicians did not provide an opinion that appellant had disability on the specific claimed intermittent dates during the period January 28 through December 30, 2022, causally related to the accepted November 26, 2021 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 on the issue of causal relationship.¹² Therefore, this evidence is insufficient to establish appellant's disability claim.

In a January 27, 2022 report, Dr. Abdali recommended work restrictions including standing or walking no more than 20 cumulative minutes per hour and lifting/carrying/pushing/pulling no more than 10 pounds. In April 29 and May 6, 2022 reports, he recommended work restrictions including standing or walking no more than 35 cumulative minutes per hour and lifting/carrying/pushing/pulling no more than 10 pounds. However, Dr. Abdali did not provide an opinion that appellant had disability for any date(s) during the claimed period of intermittent disability, January 28 through December 30, 2022. As noted above, medical evidence that does not offer an opinion regarding the cause of an employee's condition or disability is of no probative value.¹³ Therefore, this evidence is insufficient to establish appellant's disability claim.

¹² See *F.S.*, Docket No. 23-0112 (issued April 26, 2023); *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

¹³ See *F.S.*, Docket No. 23-0112 (issued April 26, 2023); *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

Appellant submitted physical therapy reports, dated from January through April 2022, by Mr. Hopson, an attending physical therapist. However, certain healthcare providers such as physician assistants, nurses, and physical and occupational therapists are not considered physicians as defined under FECA.¹⁴ Consequently, their medical findings and/or opinions will not suffice for purposes of establishing entitlement to FECA benefits.¹⁵ Therefore, this evidence is insufficient to establish appellant's disability claim.

Appellant also submitted several diagnostic studies from 2022. However, diagnostic studies, standing alone, lack probative value as they do not address whether an accepted employment condition caused the claimed disability.¹⁶ Therefore, this evidence is insufficient to establish appellant's disability claim.

As the medical evidence of record is insufficient to establish causal relationship between the claimed intermittent dates of disability from work and the accepted November 26, 2021 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 for intermittent dates during the period January 28 through December 30, 2022, causally related to the accepted November 26, 2021 employment injury.

¹⁴ Section 8101(2) provides that 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. § 8101(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 and occupational therapists are not competent to render a medical opinion under FECA); *see also B.D.*, Docket No. 25-0852 (physical therapists are not considered physicians under FECA); *R.L.*, Docket No. 19-0440 (issued July 8, 2019) (physical therapists are not considered physicians under FECA).

¹⁵ *See id.*

¹⁶ *See A.V.*, Docket No. 19-1575 (issued June 11, 2020).

ORDER

IT IS HEREBY ORDERED THAT the November 25, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: March 25, 2026
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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