

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

V.D., Appellant)	
)	
and)	Docket No. 26-0229
)	Issued: May 5, 2026
DEPARTMENT OF THE NAVY, NAVAL)	
MEDICAL CENTER, Bethesda, MD, Employer)	
)	

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

Case Submitted on the Record

DECISION AND ORDER

Before:
ALEC J. KOROMILAS, Chief Judge
PATRICIA H. FITZGERALD, Deputy Chief Judge
JANICE B. ASKIN, Judge

JURISDICTION

On January 9, 2026 appellant filed a timely appeal from a September 16, 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 OWCP has met its burden of proof to terminate appellant's wage-loss compensation, effective September 16, 2025, as she no longer had disability causally related to her accepted May 13, 1985 employment injury.

FACTUAL HISTORY

On August 20, 1985 appellant, a 34-year-old data transcriber filed an occupational disease claim (Form CA-2), alleging that she suffered severe liver damage due to factors of her federal

¹ 5 U.S.C. § 8101 *et seq.*

employment, including being prescribed Isoniazid (INH) to prevent tuberculosis. She noted that she first became aware of her condition and realized its relation to her federal employment on May 13, 1985. OWCP accepted the claim for hepatitis, liver cirrhosis, and toxic liver disease with hepatitis. It paid appellant wage-loss compensation on the periodic rolls commencing September 11, 1986.

By decision dated August 26, 2009, OWCP reduced appellant's wage-loss compensation, effective August 10, 2009, based on its finding that she had actual earnings as a medical support assistant with part-time (20 hours per week) wages of \$342.00 per week. It continued to pay appellant wage-loss compensation on the periodic rolls based on her loss of wage-earning capacity (LWEC).²

On February 26, 2025, OWCP referred appellant, along with a statement of accepted facts (SOAF), the case record, and a series of questions, to Dr. Jasdeep S. Dalawari, a physician Board-certified in internal medicine, cardiovascular disease, and interventional cardiology, for a second opinion evaluation to determine the status of her accepted conditions.

In a report dated March 10, 2025, Dr. Dalawari noted his review of appellant's history of injury, the SOAF, and the medical record. He related her complaints of severe fatigue, labile blood pressure, fluid retention, and dizziness on standing. On physical examination, Dr. Dalawari reported no objective evidence supporting appellant's subjective complaints. He noted that an abdominal ultrasound on January 2021 showed a small liver consistent with cirrhosis. Dr. Dalawari assessed diagnoses *intra alia* of cirrhosis of the liver, and hepatitis. He related that he saw no evidence of any residuals of her accepted conditions. Dr. Dalawari found that appellant had reached a fixed and stable state for her accepted conditions and recommended annual check-ups with her liver specialist and primary care physician. He also completed a work capacity evaluation (Form OWCP-5c), wherein he opined that appellant was capable of performing her date-of-injury position without restrictions.

By notice dated May 28, 2025, OWCP advised appellant that it proposed to terminate her wage-loss compensation based on Dr. Dalawari's opinion that she was no longer disabled from work due to her accepted May 13, 1985 employment injury. It afforded her 30 days to respond.

In a letter dated June 18, 2025, appellant disagreed with the proposal termination of her wage-loss compensation, contending that she sustained permanent liver damage and disability due to taking the INH drug.

Appellant subsequently submitted reports dated November 9, 2021, February 9, May 25, 2022, December 13, 2023, May 29 and November 13, 2024 from Dr. Nimesh V. Khatri, a Board-certified gastroenterologist. Dr. Khatri diagnosed cirrhosis from taking INH prescribed to prevent tuberculosis; thrombocytopenia and low albumin due to cirrhosis; and chronically high Alpha-fetoprotein (AFP).

² Appellant retired from work effective November 30, 2012.

OWCP also received magnetic resonance imaging (MRI) scans of appellant's abdomen dated January 27, 2021 and July 8, 2024, which assessed a small liver with appearance consistent with hepatic cirrhosis.

By decision September 16, 2025, OWCP terminated appellant's wage-loss compensation, effective that date, finding that she no longer had disability from work causally related to the accepted employment injury. It accorded the weight of the medical evidence to Dr. Dalawari's opinion.

LEGAL PRECEDENT

Once OWCP accepts a claim and pays compensation, it has the burden of proof to justify modification or termination 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 OWCP's burden of proof includes the necessity of furnishing rationalized medical opinion evidence based on a proper factual and medical background.⁵

ANALYSIS

The Board finds that OWCP failed to meet its burden of proof to terminate appellant's wage-loss compensation, effective September 16, 2025.

In his March 10, 2025 second opinion report, Dr. Dalawari noted his review of appellant's history of injury, the SOAF, and the medical record. He related her complaints of severe fatigue, labile blood pressure, fluid retention, and dizziness on standing. On physical examination, Dr. Dalawari reported no objective evidence supporting appellant's subjective complaints. He noted that an abdominal ultrasound performed on January 2021 revealed a small liver consistent with cirrhosis. Dr. Dalawari diagnosed cirrhosis of the liver and hepatitis. He related that he saw no evidence of any residuals of her accepted conditions. Dr. Dalawari noted that appellant had reached a fixed and stable state for her accepted conditions and recommended annual check-ups with her liver specialist and primary care physician. He also completed a Form OWCP-5c, wherein he opined that appellant was capable of performing her date-of-injury position without restrictions. However, given his conclusory opinion, Dr. Dalawari did not explain with sufficient rationale why

³ *W.S.*, Docket No. 25-0329 (issued August 6, 2025); *R.R.*, Docket No. 25-0090 (issued January 31, 2025); *M.R.*, Docket No. 25-0148 (issued January 27, 2025); *C.F.*, Docket No. 21-0003 (issued January 21, 2022); *J.T.*, Docket No. 19-1723 (issued August 24, 2020); *S.P.*, Docket No. 19-0196 (issued June 24, 2020); *S.F.*, 59 ECAB 642 (2008); *Kelly Y. Simpson*, 57 ECAB 197 (2005); *Paul L. Stewart*, 54 ECAB 824 (2003).

⁴ *W.S.*, *id.*; *R.R.*, *id.*; *S.P.*, Docket No. 22-0393 (issued August 26, 2022); *A.T.*, Docket No. 20-0334 (issued October 8, 2020); *E.B.*, Docket No. 18-1060 (issued November 1, 2018).

⁵ *W.S.*, *id.*; *S.P.*, *id.*; *C.R.*, Docket No. 19-1132 (issued October 1, 2020); *G.H.*, Docket No. 18-0414 (issued November 14, 2018).

appellant was no longer disabled from work. 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.⁶

Once OWCP undertakes development of the medical evidence, it must resolve the relevant issues in the case.⁷ The Board thus finds that OWCP failed to meet its burden of proof to terminate appellant's wage-loss compensation.

CONCLUSION

The Board finds that OWCP failed to meet its burden of proof to terminate appellant's wage-loss compensation, effective September 16, 2025.

ORDER

IT IS HEREBY ORDERED THAT the September 16, 2025 decision of the Office of Workers' Compensation Programs is reversed.

Issued: May 5, 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

⁶ *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).

⁷ *See K.A.*, Docket No. 23-0773 (issued November 1, 2024); *S.A.*, Docket No. 18-1024 (issued March 12, 2020); *L.B.*, Docket No. 19-0432 (issued July 23, 2019); *William J. Cantrell*, 34 ECAB 1223 (1983).