

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

K.C., Appellant)	
)	
and)	Docket No. 26-0269
)	Issued: May 18, 2026
U.S. POSTAL SERVICE, MAYWOOD POST OFFICE, Maywood, IL, Employer)	
)	

Appearances:
Erik Blowers, Esq., for the appellant¹
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 January 21, 2026 appellant, through counsel, filed a timely appeal from a January 5, 2026 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act² (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.³

¹ In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; *see also* 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

² 5 U.S.C. § 8101 *et seq.*

³ The Board notes that following the January 5, 2026 decision, appellant submitted additional evidence to OWCP. 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.*

ISSUE

The issue is whether appellant has met his burden of proof to establish disability from work commencing September 17, 2025, causally related to his accepted September 29, 2012 employment injury.

FACTUAL HISTORY

This case has previously been before the Board on different issues.⁴ The facts and circumstances of the case as set forth in the Board's prior decisions are incorporated herein by reference. The relevant facts are as follows.

On June 27, 2013 appellant, then a 45-year-old mail carrier, filed an occupational disease claim (Form CA-2) alleging that he sustained injury to his left hip, back, and legs due to factors of his federal employment, which required repetitive standing, lifting, bending, carrying, walking, driving, and standing with heavy loads. He noted that he first became aware of his conditions on September 29, 2012, and realized their relationship to his federal employment on April 10, 2013. OWCP initially accepted the claim for lumbar sprain.

Effective July 2, 2019, appellant transitioned to a custodial laborer position and a secondary mechanism of injury occurred with new injuries. OWCP expanded acceptance of the prior claim to include temporary aggravation of degenerative disc disease, lumbar region; temporary aggravation of unilateral primary osteoarthritis, left hip; temporary aggravation of avascular necrosis, left hip; thrombosis of left femoral vein; bilateral pulmonary embolism; right leg deep vein thrombosis; and unilateral primary osteoarthritis, right hip. It paid appellant wage-loss compensation.

On August 22, 2023, appellant accepted a modified laborer custodial position performing seated lobby assistant duties with sitting, standing, and walking as tolerated for 5.5 hours per day.

Appellant stopped work on September 17, 2025.

On September 22 and September 26, 2025 appellant filed claims for compensation (Form CA-7) for total disability from work during the period September 17 through 27, 2025.

In a September 23, 2025 work capacity evaluation (Form OWCP-5c), Dr. Bruce Keller, a family medicine specialist, noted that appellant worked 5.5-hour days, 6 days a week. He opined that appellant could work with restrictions as of September 29, 2025. In a September 23, 2025 attending physician's report (Form CA-20), Dr. Keller opined that appellant was totally disabled September 17 through 27, 2025.

In a development letter dated September 30, 2025, OWCP notified appellant of the deficiencies of his disability claim and advised him of the type of evidence needed for the claimed dates of disability. It afforded him 30 days to respond.

In an August 19, 2025 report, Patrick Gillihan, DPM, a podiatrist and orthopedic foot and ankle surgeon, provided x-ray and examination findings of the left and right lower extremities. He

⁴ Docket No. 24-0459 (issued December 4, 2025); Docket No. 23-0526 (issued December 22, 2023).

provided an assessment of localized primary osteoarthritis of right midfoot, localized primary osteoarthritis of left midfoot, pronated right foot, pronated left foot, pain in left limb and pain in right limb.

In a September 23, 2025 narrative report, Dr. Keller noted appellant's work and medical history, his accepted conditions, and that he continued to work with restrictions for 5.5 hours per day, 6 days per week. He further noted that appellant was taken off work due to a recurrence of right hip and low back pain and that his symptoms significantly improved during his time off work; however, since his return to work, his symptoms had worsened. Dr. Keller provided physical examination findings, which included negative straight leg raising for radicular pain bilaterally; decreased hip range of motion; positive pain with lumbar facet loading, back extension and rotation; decreased range of motion forward bending and back extension; tenderness to palpation over the left and central lumbar spine; and pain with lateral bending and twisting. He provided an assessment of acute embolism and thrombus unspecified deep veins of right lower extremity; other pulmonary embolism without acute cor pulmonale; septic pulmonary embolism with acute cor pulmonale; unilateral primary osteoarthritis, right hip; acute embolism and thrombosis of left femoral vein; other osteonecrosis, left femur; unilateral primary osteoarthritis, left hip; unilateral primary osteoarthritis, left hip; sprain of ligaments of lumbar spine; other intervertebral disc degenerative disease, lumbar region with discogenic back pain only. Dr. Keller opined that appellant's bilateral hip pathology, including the need for total hip replacements, and his chronic lumbar spine symptoms were directly and causally related to his occupational repetitive motion activities sustained while working and that the development of deep vein thrombosis and his subsequent surgical interventions were recognized complications resulting from his occupational exposure. He further opined that appellant's ongoing pain and functional limitations, which worsened with work activities such as heavy lifting, bending, prolonged standing, and repetitive motion, demonstrated a chronic work-related musculoskeletal disorder involving the lumbar spine and bilateral hips. Dr. Keller opined that appellant could return to work on September 29, 2025 on desk duty with restrictions, as noted on the OWCP-5c form.

Appellant continued to file CA-7 forms claiming disability from work commencing September 29, 2025. Accompanying time analysis forms (Form CA-7a) were also received.

In an October 13, 2025 report, Dr. Keller indicated that, after appellant returned to work, he experienced a recurrence of right hip and low back pain when his symptoms and pain levels worsened, which indicated that occupational exposure exacerbated his condition. He opined that from September 17 through 27, 2025, appellant was totally incapacitated due to the severity of his symptoms and he was unable to perform his work duties, including those requiring physical exertion, prolonged standing, or repetitive motion.

By decision dated November 6, 2025, OWCP denied appellant's claim for disability during the period commencing September 17, 2025.

OWCP subsequently received additional CA-7 forms.

In November 13 and 18, and December 11, 2025 notes, Sunday Nkemdiche, a physician assistant, noted appellant's diagnoses and that appellant had accepted a modified job offer.

In a November 18, 2025 Form CA-17, an emergency medicine physician with an illegible signature, diagnosed acute embolism and thrombosis; other pulmonary embolism, septic pulmonary embolism, and unilateral primary osteoarthritis, which he opined were due to the

September 29, 2012 employment injury. He opined that appellant could perform desk duty with restrictions.

On December 19, 2025 appellant, through counsel, requested reconsideration.

By decision dated January 5, 2025, OWCP denied modification of its November 6, 2025 decision.

LEGAL PRECEDENT

An employee seeking benefits under FECA⁵ has the burden of proof to establish the essential elements of his or her claim,⁶ including that any disability or specific condition for which compensation is claimed is causally related to the employment injury.⁷ For each period of disability claimed, the employee has the burden of proof to establish that he or she was disabled from work as a result of the accepted employment injury.⁸ Whether a particular injury causes an employee to become disabled from work, and the duration of that disability, are medical issues that must be proven by a preponderance of probative and reliable medical opinion evidence.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 appellant, 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

ANALYSIS

The Board finds that appellant has not met his burden of proof to establish disability from work commencing September 17, 2025, causally related to his accepted September 29, 2012 employment injury.

⁵ *Supra* note 2.

⁶ *See L.S.*, Docket No. 18-0264 (issued January 28, 2020); *B.O.*, Docket No. 19-0392 (issued July 12, 2019).

⁷ *See S.F.*, Docket No. 20-0347 (issued March 31, 2023); *D.S.*, Docket No. 20-0638 (issued November 17, 2020); *F.H.*, Docket No. 18-0160 (issued August 23, 2019); *C.R.*, Docket No. 18-1805 (issued May 10, 2019); *Kathryn Haggerty*, 45 ECAB 383 (1994); *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁸ *T.K.*, Docket No. 26-0004 (issued February 18, 2026); *T.W.*, Docket No. 19-1286 (issued January 13, 2020).

⁹ *S.G.*, Docket No. 18-1076 (issued April 11, 2019); *Fereidoon Kharabi*, 52 ECAB 291-92 (2001).

¹⁰ *See C.L.*, Docket No. 26-0005 (issued January 29, 2026); *B.P.*, Docket No. 23-0909 (issued December 27, 2023); *D.W.*, Docket No. 20-1363 (issued September 14, 2021); *Y.S.*, Docket No. 19-1572 (issued March 12, 2020).

¹¹ *See M.J.*, Docket No. 19-1287 (issued January 13, 2020); *William A. Archer*, 55 ECAB 674 (2004); *Fereidoon Kharabi*, *supra* note 9.

In support of his disability claim, appellant submitted medical reports from Dr. Keller. In a September 23, 2025 Form CA-20 and a narrative report of even date, Dr. Keller opined that appellant was totally disabled from work during the period September 17 through 27, 2025. He explained that appellant's ongoing pain and functional limitations worsened with work activities such as heavy lifting, bending, prolonged standing, and repetitive motion and demonstrated a chronic work-related musculoskeletal disorder involving the lumbar spine and bilateral hips. In an October 13, 2025 report, Dr. Keller again opined that appellant was totally incapacitated due to the severity of his symptoms from September 17 through 27, 2025. He, however, did not explain with sufficient rationale how appellant's claimed disability resulted from the accepted employment injury. The Board has held that a report is of limited probative value regarding causal relationship if it does not contain medical rationale explaining how a given disability was related to the accepted employment injury.¹² Thus, this evidence is insufficient to establish appellant's disability claim.

OWCP also received an August 19, 2025 report from Dr. Gillihan. This report, however, did not offer an opinion regarding disability from work during the claimed period of disability causally related to the accepted employment injury. The Board has held that medical evidence that does not offer an opinion regarding the cause of an employee's condition is of no probative value.¹³ As such, this report is of no probative value and thus insufficient to establish appellant's disability claim.

Appellant also submitted reports from a physician assistant. Certain healthcare providers such as physician assistants are not considered physicians as defined under FECA, and their reports do not constitute competent medical evidence.¹⁴

The record also consists of a report from a healthcare provider with an illegible signature. The Board has held that reports that are unsigned or bear an illegible signature cannot be considered probative medical evidence as the author cannot be identified as a physician.¹⁵ Therefore, this report is also of no probative value and insufficient to establish appellant's disability claim.

¹² See *S.Y.*, Docket No. 20-0347 (issued March 31, 2023); *T.B.*, Docket No. 20-0255 (issued March 11, 2022); *Y.D.*, Docket No. 16-1896 (issued February 10, 2017).

¹³ *B.B.*, Docket No. 25-0661 (issued September 9, 2025); *G.R.*, Docket No. 25-0540 (issued June 26, 2025); *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).

¹⁴ Section 8102(2) of FECA provides as follows: 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. § 8102(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 therapists are not competent to render a medical opinion under FECA); see also *M.P.*, Docket No. 26-0018 (issued March 18, 2026) (physical therapists and physician assistants are not considered physicians under FECA and are not competent to provide medical opinions); *S.S.*, Docket No. 21-1140 (issued June 29, 2022) (physician assistants are not considered physicians under FECA and are not competent to provide medical opinions).

¹⁵ See *T.P.*, Docket No. 21-0868 (issued December 21, 2021); *R.L.*, Docket No. 20-0284 (issued June 30, 2020); *M.A.*, Docket No. 19-1551 (issued April 30, 2020); *T.O.*, Docket No. 19-1291 (issued December 11, 2019); *Merton J. Sills*, 39 ECAB 572, 575 (1988).

As the medical evidence of record is insufficient to establish disability from work during the claimed period causally related to the accepted September 29, 2012 employment injury, the Board finds that appellant has not met his 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 his burden of proof to establish disability from work commencing September 17, 2025, causally related to his accepted September 29, 2012 employment injury.

ORDER

IT IS HEREBY ORDERED THAT the January 5, 2026 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: May 18, 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