

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

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<b>J.D., Appellant</b>	)	
	)	
<b>and</b>	)	
	)	<b>Docket No. 26-0282</b>
	)	<b>Issued: May 7, 2026</b>
<b>DEPARTMENT OF THE AIR FORCE,</b>	)	
<b>ARIZONA AIR NATIONAL GUARD JOINT</b>	)	
<b>FORCE HEADQUARTERS, Phoenix, AZ,</b>	)	
<b>Employer</b>	)	
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*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 January 29, 2026 appellant filed a timely appeal from a January 28, 2026 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act<sup>1</sup> (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.<sup>2</sup>

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<sup>1</sup> 5 U.S.C. § 8101 *et seq.*

<sup>2</sup> The Board notes that, following the January 28, 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 a medical condition causally related to the accepted factors of his federal employment.

## **FACTUAL HISTORY**

On October 24, 2025 appellant, then a 39-year-old aircraft mechanic, filed an occupational disease claim (Form CA-2) alleging that he developed hypothyroidism due to factors of his federal employment, including exposure to a harmful fire suppressant foam known for containing endocrine-disrupting compounds. He noted that he first became aware of his condition on December 22, 2023, and realized its relation to his federal employment on October 21, 2025. Appellant did not stop work.

In an accompanying narrative statement, appellant noted that since September 12, 2012 he worked at the employing establishment and regularly encountered Aqueous Film Forming Foam (AFFF), a firefighting foam containing harmful per- and polyfluoroalkyl substances (PFAS), known for endocrine disruption and thyroid interference which he believed caused his condition. He asserted that he was diagnosed with hypothyroidism on December 22, 2023, and given that his base had documented PFAS contamination, he believed that his condition was caused by exposure to these chemicals throughout the course of his employment.

In support of his claim, appellant submitted laboratory test results documenting testosterone and vitamin D levels collected on April 2, 2024. He also submitted an employing establishment risk site evaluation report documenting groundwater and soil testing for AFFF release from fire equipment.

In a November 14, 2025 development letter, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence needed to establish his claim and provided a questionnaire for his completion. OWCP afforded appellant 60 days to submit the necessary evidence. In a separate development letter of even date, it requested that the employing establishment provide additional information regarding appellant's occupational disease claim, including comments from a knowledgeable supervisor. OWCP afforded the employing establishment 30 days to respond.

On November 17, 2025, appellant responded to OWCP's development letter and described his employment duties and circumstances surrounding his injury. He described his prolonged occupational exposure to harmful fire suppression chemicals, which resulted in fatigue, hair loss, and weight gain, all of which were symptoms of hypothyroidism.

Appellant also submitted liver panel test results collected on November 20, 2023.

In a report dated November 19, 2025, Nancy Granado, a nurse practitioner, evaluated appellant, documented symptoms of weight gain, thinning hair, and lethargy, and diagnosed multiple joint pain and hypothyroidism.

On November 23 2025, the employing establishment noted that appellant worked in several aircraft maintenance hangers that had previously utilized the self-contained AFFF fire suppression

system, which had been changed to a water system in the last few years. The employing establishment related no direct knowledge regarding direct exposure or contact to the AFFF suppression system and provided OWCP a position description for aircraft mechanic.

By decision dated January 28, 2026, 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 factors of his federal employment.

### **LEGAL PRECEDENT**

An employee seeking benefits under FECA<sup>3</sup> has the burden of proof to establish the essential elements of his or her claim, including 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,<sup>4</sup> 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.<sup>5</sup> 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.<sup>6</sup>

To establish that an injury was sustained in the performance of duty in an occupational disease claim, an employee must submit the following: (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) medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the employee.<sup>7</sup>

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.<sup>8</sup> A physician's opinion on whether there is causal relationship between the diagnosed condition and the implicated employment factor(s) must be based on a complete factual and medical background.<sup>9</sup> Additionally, the physician's opinion must be expressed in terms of a reasonable degree of medical certainty, and must be supported by medical

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<sup>3</sup> *Supra* note 1.

<sup>4</sup> *E.K.*, Docket No. 22-1130 (issued December 30, 2022); *F.H.*, Docket No. 18-0869 (issued January 29, 2020); *J.P.*, Docket No. 19-0129 (issued April 26, 2019); *Joe D. Cameron*, 41 ECAB 153 (1989).

<sup>5</sup> *S.H.*, Docket No. 22-0391 (issued June 29, 2022); *L.C.*, Docket No. 19-1301 (issued January 29, 2020); *J.H.*, Docket No. 18-1637 (issued January 29, 2020); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

<sup>6</sup> *E.H.*, Docket No. 22-0401 (issued June 29, 2022); *P.A.*, Docket No. 18-0559 (issued January 29, 2020); *K.M.*, Docket No. 15-1660 (issued September 16, 2016); *Delores C. Ellyett*, 41 ECAB 992 (1990).

<sup>7</sup> *R.G.*, Docket No. 19-0233 (issued July 16, 2019); *see also Roy L. Humphrey*, 57 ECAB 238, 241 (2005); *Ruby I. Fish*, 46 ECAB 276, 279 (1994); *Victor J. Woodhams*, 41 ECAB 345 (1989).

<sup>8</sup> *S.M.*, Docket No. 22-0075 (issued May 6, 2022); *S.S.*, Docket No. 19-0688 (issued January 24, 2020); *A.M.*, Docket No. 18-1748 (issued April 24, 2019); *Robert G. Morris*, 48 ECAB 238 (1996).

<sup>9</sup> *M.V.*, Docket No. 18-0884 (issued December 28, 2018).

rationale explaining the nature of the relationship between the diagnosed condition and appellant's specific employment factor(s).<sup>10</sup>

### ANALYSIS

The Board finds that appellant has not met his burden of proof to establish a medical condition causally related to the accepted factors of his federal employment.

In support of his claim, appellant submitted evidence signed by Ms. Granado, a nurse practitioner. However, certain health care providers such as nurses, physician assistants, and physical therapists are not considered physicians under FECA and, therefore, are not competent to provide a medical opinion.<sup>11</sup> Consequently, their medical findings and/or opinions will not suffice for the purpose of establishing entitlement to FECA benefits.<sup>12</sup> As such, this evidence is of no probative value and insufficient to establish appellant's claim.

The remaining medical evidence consists of diagnostic test results dated November 20, 2023 and April 2, 2024. The Board has held that diagnostic studies, standing alone, lack probative value as they do not address whether the employment factors caused any of the diagnosed conditions.<sup>13</sup> Such reports are therefore insufficient to establish appellant's claim.<sup>14</sup>

As the medical evidence of record is insufficient to establish causal relationship between a medical condition and the accepted factors of federal employment, the Board finds that appellant has not met his burden of proof.<sup>15</sup>

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.

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<sup>10</sup> *J.D.*, Docket No. 22-0935 (issued December 16, 2022); *T.L.*, Docket No. 18-0778 (issued January 22, 2020); *Y.S.*, Docket No. 18-0366 (issued January 22, 2020); *Victor J. Woodhams*, *supra* note 7.

<sup>11</sup> 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 therapists are not competent to render a medical opinion under FECA). *See also N.H.*, Docket No. 26-0136 (issued March 18, 2026) (nurse practitioners are not physicians under FECA).

<sup>12</sup> *Id.*; *D.O.*, Docket No. 25-0722 (issued January 5, 2026); *N.B.*, Docket No. 19-0221 (issued July 15, 2019).

<sup>13</sup> *See M.P.*, Docket No. 23-1131 (issued June 18, 2024); *V.A.*, Docket No. 21-1023 (issued March 6, 2023); *M.K.*, Docket No. 21-0520 (issued August 23, 2021); *F.D.*, Docket No. 19-0932 (issued October 3, 2019).

<sup>14</sup> *E.M.*, Docket No. 24-0331 (issued July 3, 2024).

<sup>15</sup> *I.D.*, Docket No. 22-0848 (issued September 2, 2022); *T.G.*, Docket No. 14-751 (issued October 20, 2014).

**CONCLUSION**

The Board finds that appellant has not met his burden of proof to establish a medical condition causally related to the accepted factors of his federal employment.

**ORDER**

**IT IS HEREBY ORDERED THAT** the January 28, 2026 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: May 7, 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