United States Department of Labor
Employees' Compensation Appeals Board

S.T., Appellant	)	
and	)	**Docket No. 26-0519**
	)	**Issued: October 28, 2026**
DEPARTMENT OF VETERANS AFFAIRS, AUDIE L. MURPHY VA MEDICAL CENTER, San Antonio, TX, Employer	)	

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 May 13, 2026 appellant filed a timely appeal from February 13, March 17 and 19, and April 3 and 21, 2026 merit decisions of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act[1] (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.[2]

[1] 5 U.S.C. § 8101 *et seq.*

[2] The Board notes that, following the April 21, 2026 decisions, appellant submitted additional evidence to OWCP. However, the Board's *Rules of Procedures* 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 her burden of proof to establish the remaining claimed disability from work to obtain medical treatment, commencing September 9, 2025, causally related to the accepted April 23, 2024 employment injury.

FACTUAL HISTORY

On April 28, 2024 appellant, then a 52-year-old nurse, filed a traumatic injury claim (Form CA-1) alleging that on April 23, 2024 she sustained a lower back injury when she attempted to transfer a patient from a wheelchair to a stretcher while in the performance of duty. She stopped work on April 30, 2024. OWCP initially accepted the claim for lower back strain. It paid appellant wage-loss compensation for disability from work on the supplemental rolls, effective June 16, 2024.[3]

On September 17, 2024 OWCP expanded the acceptance of the claim to include the conditions of other intervertebral disc displacement of the lumbar region, and lumbar radiculopathy.

In a June 9, 2025 letter, OWCP advised that appellant was approved for manual therapy and acupuncture services for the period June 16 through September 8, 2025.

In a September 9, 2025 report, Ulises Flores, a licensed massage therapist, indicated that appellant received manual therapy treatment on that date.

In a September 12, 2025 note, Dr. Don M. Thompson, a Board-certified family practitioner, opined that appellant should receive medical manual therapy and acupuncture treatment for her accepted employment conditions as such treatment would decrease her pain, and increase her mobility and functioning. In a duty status report (Form CA-17) of even date, he recommended work restrictions.

On September 21, 2025 OWCP received notes dated September 9, 12, 16, 18, and 19, 2025, from a neuromuscular and acupuncture therapy provider, wherein an individual with an illegible signature indicated that appellant received therapy services on each of those dates.

In an undated note, an office manager for a psychotherapy provider indicated that appellant attended counseling services for 2.0 hours on September 18, 2025.

On September 22, 2025 appellant filed a claim for compensation (Form CA-7) for disability from work during the period September 7 through 20, 2025. In an accompanying time analysis form (Form CA-7a) she claimed disability from work to obtain medical treatment for 2.5 hours on September 9, 2025; 2.5 hours on September 12, 2025; 2.5 hours on September 16,

[3] OWCP assigned the present claim OWCP File No. xxxxxx699. Under OWCP File No. xxxxxx482, appellant filed an occupational disease claim (Form CA-2) alleging work-related injury to her ribs and left flank. OWCP has administratively combined OWCP Files No. xxxxxx482 and xxxxxx699, with the latter serving as the master file.

2025; 1.5 hours on September 17, 2025; 2.0 hours on September 18, 2025; and 2.5 hours on September 19, 2025.

In a development letter dated September 23, 2025, OWCP informed appellant of the deficiencies of her claim for intermittent disability from September 7 through 20, 2025 to obtain medical care. It noted that she had not been approved for physical therapy beyond September 8, 2025. OWCP advised appellant of the type of factual and medical evidence needed and afforded her 30 days to respond.

Appellant subsequently submitted a September 17, 2025 report wherein Dr. Thompson documented physical examination findings and diagnosed strain of muscle, fascia, and tendon of the lower back, protrusion of a lumbar intervertebral disc, and lumbar radiculopathy.

In a statement dated October 6, 2025, appellant acknowledged that she had been informed that OWCP had not authorized physical therapy services after September 8, 2025. However, she continued to request payment for periods she attended therapy sessions. OWCP also received an undated note wherein an office manager for a psychotherapy provider indicated that appellant attended counseling services for 2.0 hours on October 2, 2025.

Appellant continued to file Form CA-7 claims for compensation.

On October 2 and 20, 2025 appellant filed CA-7a forms claiming disability from work to obtain medical treatment for 2.0 hours on October 2, 2025 and 2.0 hours on October 16, 2025, respectively. She indicated that the disability was claimed for therapy.

Appellant submitted an undated note wherein an office manager for a psychotherapy provider indicated that she attended counseling services for 2.0 hours on October 16, 2025.

On November 3, 2025 appellant filed a Form CA-7a claiming disability from work to obtain medical treatment for 2.0 hours on October 30, 2025. She indicated that the disability was claimed for therapy.

Appellant submitted an undated note wherein an office manager for a psychotherapy provider indicated that she attended counseling services for 2.0 hours on October 30, 2025.

Appellant also submitted an October 17, 2025 report wherein Dr. Carlos Orozco, a Board-certified internist, documented physical examination findings for appellant's left knee. A November 5, 2025 Form CA-17, with an illegible signature, provided work restrictions.

In a November 12, 2025 report, Dr. Robert Lowry, a Board-certified physiatrist, opined that appellant's left medial meniscus injury was causally related to her participation in OWCP-authorized physical therapy exercises in January 2025. In a Form CA-17 of even date, he provided work restrictions.

On November 17, 2025 appellant filed a Form CA-7a claiming disability from work to obtain medical treatment for 0.5 hours on November 5, 2025. She indicated that the disability was claimed for a medical appointment. Appellant also claimed disability from work to obtain

medical treatment for 1.5 hours on November 12, 2025. She indicated that the disability was for a medical appointment.

Appellant submitted November 5 and 12, 2025 reports, wherein Dr. Orozco indicated that she could continue working in accordance with the restrictions detailed in current CA-17 forms.

On December 1, 2025 appellant filed a Form CA-7a claiming disability from work to obtain medical treatment for 2.0 hours on November 20, 2025. She indicated that the disability was claimed for therapy.

Appellant submitted an undated note wherein a psychotherapy provider indicated that she attended counseling services for 2.0 hours on November 21, 2025.[4]

On December 5, 2025 appellant filed a Form CA-7a claiming disability from work to obtain medical treatment for 2.0 hours on November 21, 2025. She indicated that the disability was claimed for therapy.

On December 21, 2025 OWCP received an undated statement wherein appellant indicated that since March 2025 she had attended psychological therapy sessions every other week and that these sessions had been approved by her case manager. She advised that she attended a psychological therapy session on November 21, 2025. Appellant reported that this treatment was initiated to treat anxiety and depression caused by ongoing stress from physical discomfort, excessive paperwork, and lack of support she had experienced since her work-related injury.

In a December 22, 2025 report, Dr. Orozco indicated that appellant could continue working in accordance with the restrictions detailed in current CA-17 forms. In a Form CA-17 of even date, he recommended work restrictions.

On December 29, 2025 appellant filed a Form CA-7a claiming disability from work to obtain medical treatment for from work to obtain medical treatment 2.0 hours on December 4, 2025. She indicated that the disability was for "psych therapy."

In a January 15, 2026 letter, a psychotherapy provider indicated that, since March 2025, appellant had been treated for mental health conditions related to her April 23, 2024 employment injury which was accepted for lumbar radiculopathy. In a January 30, 2025 letter, appellant asserted that her psychotherapy sessions on October 30, November 21, and December 4, 2025 had been authorized by OWCP.

On February 4, 2026 OWCP expanded the acceptance of the claim to include complex tear of the medial meniscus of the left knee.

Appellant subsequently submitted an undated note, wherein a psychotherapy provider indicated that she attended counseling services for 2.0 hours on January 15, 2026. In September 18, October 2, 16 and 30, November 13 and 21, and December 4, 2025, and

[4] The date listed on the form is November 21, 2021, however, this appears to be a typographical error.

January 15, 2026 reports, Patricia Garcia, a licensed professional counselor, described the psychotherapy sessions she held with appellant on those dates.

On February 9, 2026 appellant filed a Form CA-7a claiming disability from work to obtain medical treatment for 2.0 hours on January 15, 2026. She indicated that the disability was for therapy.

By decision dated February 13, 2026, OWCP denied appellant's claims for disability from work to obtain medical care for 2.0 hours on November 20, 2025, and 2.0 hours on November 21, 2025. It found that appellant's attendance at mental health therapy sessions on those dates was not related to the accepted April 23, 2024 employment injury.

On February 23, 2026 appellant requested reconsideration of the February 13, 2026 decision.

On February 23, 2026 appellant filed a Form CA-7a claiming disability from work to obtain medical treatment for 2.0 hours on February 19, 2026. She indicated that the disability was for rehabilitation therapy resources.

Appellant submitted an undated note, wherein a psychotherapy provider indicated that she attended counseling services for 2.0 hours on February 19, 2026. She also submitted a February 23, 2026 Form CA-17, wherein Dr. Orozco recommended work restrictions.

Appellant subsequently submitted a February 23, 2023 report, wherein Dr. Orozco indicated that she could continue working in accordance with the restrictions detailed in current CA-17 forms.

On March 9, 2026 appellant filed a Form CA-7a claiming disability from work to obtain medical treatment for 2.0 hours on February 23, 2026. She indicated that the disability was for a doctor's appointment. Appellant also claimed disability from work to obtain medical treatment for 2.0 hours on March 5, 2026. She indicated that the disability was for mental health therapy.

Appellant subsequently submitted an undated note, wherein an office manager for a psychotherapy provider indicated that she attended counseling services for 2.0 hours on March 5, 2026.

In a March 13, 2026 statement, appellant asserted that her mental health treatment was related to her accepted employment conditions.

By decision dated March 17, 2026, OWCP denied modification of its February 13, 2026 decision denying appellant's claim for disability on November 20 and 21, 2025.

On March 18, 2026 appellant requested reconsideration of the March 17, 2026 decision. In a March 18, 2026 statement, she again asserted that her mental health treatment was related to her accepted employment conditions.

By decision dated March 19, 2026, OWCP denied appellant's claim for disability from work to obtain medical care for 2.5 hours on September 9, 2025, 2.5 hours on September 12,

2025, 2.5 hours on September 16, 2025, 2.0 hours on September 18, 2025, 2.5 hours on September 19, 2025, 2.0 hours on October 2 2025, 2.0 hours on October 16, 2025, 2.0 hours on October 30, 2025, 2.0 hours on December 4, 2025, and 2.0 hours on January 15, 2026. It further determined that the medical evidence was sufficient to authorize payment for 1.5 hours on September 17, 2025, 0.5 hours on November 5, 2025, and 2.0 hours on February 23, 2026 for doctor appointments.

On March 23, 2026 appellant filed a Form CA-7a claiming disability from work to obtain medical treatment for 2.0 hours on March 12, 2026. She indicated that the disability was for therapy.

Appellant submitted an undated note wherein an office manager for a psychotherapy provider indicated that she attended counseling services for 2.0 hours on March 12, 2026.

By decision dated April 3, 2026, OWCP denied modification of its March 17, 2026 decision denying appellant's claim for disability on November 20 and 21, 2025.

On April 6, 2026 appellant filed a Form CA-7a claiming disability from work to obtain medical treatment for 2.0 hours on March 26, 2026. She indicated that the disability was for therapy.

Appellant submitted an undated note wherein a psychotherapy provider indicated that she attended counseling services for 2.0 hours on March 26, 2026.

On April 19, 2026 appellant filed a Form CA-7a claiming disability from work to obtain medical treatment for 2.0 hours on April 9, 2026. She indicated that the disability was for therapy. Appellant also filed a Form CA-7a claiming disability from work to obtain medical treatment for 2.0 hours on April 15, 2026. She indicated that the disability was for a doctor's appointment.

Appellant submitted an undated note wherein a psychotherapy provider indicated that she attended counseling services for 2.0 hours on April 9, 2026. She also submitted an April 15, 2026 Form CA-17, with an illegible signature, which provided work restrictions.

By decision dated April 21, 2026, OWCP denied appellant's claim for disability from work to obtain medical treatment for 2.0 hours on February 19, 2026.

By separate decision also dated April 21, 2026, OWCP denied appellant's claim for disability from work to obtain medical treatment for 2.0 hours on each of the following dates: March 5, 12, and 26 and April 9 and 15, 2026.

LEGAL PRECEDENT

An employee seeking benefits under FECA[5] has the burden of proof to establish the essential elements of his or her claim, including that any disability or specific condition for

[5] *Supra* note 1.

which compensation is claimed is causally related to the employment injury.[6] The term disability is defined as the incapacity, because of an employment injury, to earn the wages the employee was receiving at the time of the 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]

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.[9]

The Board has interpreted section 8103 of FECA, which requires payment of expenses incidental to the securing of medical services, as authorizing payment for loss of wages incurred while obtaining medical services for an accepted employment condition.[10] An employee is entitled to disability compensation for any loss of wages incurred during the time he or she receives authorized treatment and for loss of wages for time spent incidental to such treatment. The rationale for this entitlement is that, during such required examinations and treatment and during the time incidental to undergoing such treatment, an employee did not receive his or her regular pay. For a routine medical appointment, a maximum of four hours of compensation for time lost to obtain medical treatment is usually allowed.[11]

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish the remaining claimed disability from work to obtain medical treatment for intermittent periods, commencing September 9, 2025, causally related to the accepted April 23, 2024 employment injury.

Appellant submitted undated notes wherein a psychotherapy provider indicated that she attended counseling services for 2.0 hours on each of the following dates: September 18,

[6] *See D.A.,* Docket No. 26-0214 (issued April 21, 2026); *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).

[7] 20 C.F.R. § 10.5(f); *S.T.,* Docket No. 18-0412 (issued October 22, 2018); *Cheryl L. Decavitch,* 50 ECAB 397 (1999).

[8] *J.R.,* Docket No. 26-0433 (issued August 11, 2026); *B.O.,* Docket No. 19-0392 (issued July 12, 2019); *D.G.,* Docket No. 18-0597 (issued October 3, 2018); *Amelia S. Jefferson,* 57 ECAB 183 (2005).

[9] *See D.G.,* Docket No. 26-0137 (issued August 3, 2026); *S.G.,* Docket No. 18-1076 (issued April 11, 2019); *William A. Archer,* 55 ECAB 674 (2004); *Fereidoon Kharabi,* 52 ECAB 291, 293 (2001).

[10] *E.R.,* Docket No. 26-0315 (issued June 9, 2026); *J.E.,* Docket No. 19-1758 (issued March 16, 2021); *Y.H.,* Docket No. 17-1303 (issued March 13, 2018).

[11] For a routine medical appointment, a maximum of four hours of compensation for time lost to obtain medical treatment of an accepted employment condition is usually allowed. *See* Federal (FECA) Procedure Manual, Part 2 -- Claims, *Compensation Claims*, Chapter 2.901.19(c) (version 1.0, issued March 16, 2026); *see also K.A.,* Docket No. 19-0679 (issued April 6, 2020).

October 2, 16, and 30, November 21, and December 4, 2025, and January 15, February 19, March 5, 12, and 26, and April 9, 2026. She also submitted reports dated September 18, October 2, 16 and 30, November 21, November 13, December 4, 2025, and January 15, 2026, wherein Ms. Garcia, a licensed professional counselor, described the psychotherapy sessions she held with appellant on those dates. However, appellant has not demonstrated that the treatment was for an accepted employment condition.[12] Therefore, this evidence is insufficient to establish her disability claim.

Appellant also submitted notes from a neuromuscular and acupuncture therapy provider, dated September 9, 12, 16, 18, and 19, 2025, and November 5, 2025 and April 15, 2026 CA-17 forms which contained illegible signatures. The Board has held that unsigned reports and reports that bear illegible signatures lack proper identification and cannot be considered probative medical evidence as the author cannot be identified as a physician.[13]

In a September 9, 2025 report, Mr. Flores, a licensed massage therapist, indicated that she received manual therapy treatment on that date. However, it has not been established that this therapy was for authorized treatment of the accepted April 23, 2024 employment injury. In addition, Mr. Flores is not a physician within the meaning of FECA.[14] Thus, this evidence is insufficient to establish appellant's disability claim.

OWCP also received a September 12, 2025 note wherein Dr. Thompson opined that appellant should receive manual therapy and acupuncture treatment for her accepted employment conditions; a Form CA-17 of even date wherein Dr. Thompson recommended work restrictions; a September 17, 2025 report wherein Dr. Thompson documented physical examination findings and diagnosed strain of muscle, fascia, and tendon of the lower back, protrusion of a lumbar intervertebral disc, and lumbar radiculopathy; an October 17, 2025 report wherein Dr. Orozco documented physical examination findings for the left knee; a November 12, 2025 report wherein Dr. Lowry opined that a left medial meniscus injury was causally related to participation in OWCP-authorized physical therapy exercises; a Form CA-17 of even date wherein Dr. Lowry provided work restrictions; November 5 and 12, and December 22, 2025, and February 23, 2026 reports wherein Dr. Orozco indicated that appellant could continue working in accordance with the restrictions detailed in current CA-17 forms; and December 22, 2025 and February 23, 2026 CA-17 forms, wherein Dr. Orozco recommended work restrictions. However, this evidence is insufficient to establish that this therapy was for authorized treatment of the accepted April 23,

[12] *See supra* notes 10 and 11.

[13] *See B.M.,* Docket No. 26-0249 (issued May 26, 2026); *B.S.,* Docket No. 22-0918 (issued August 29, 2022); *S.D.,* Docket No. 21-0292 (issued June 29, 2021); *C.B.*, Docket No. 09-2027 (issued May 12, 2010); *Merton J. Sills,* 39 ECAB 572, 575 (1988).

[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) (version 1.0, issued March 16, 2026); *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 N.R.,* Docket No. 14-0114 (issued April 28, 2014) (a licensed mental health counselor is not a physician within the meaning of FECA). *See also T.M.*, Docket No. 08-0231 (issued May 20, 2008) (a massage therapist is not a physician within the meaning of FECA).

2024 employment injury.[15] Therefore, this evidence is insufficient to establish appellant's disability claim.

As appellant has not submitted medical evidence establishing that she lost time from work to obtain medical treatment on the remaining claimed dates of disability, causally related to her accepted April 23, 2024 employment injury, the Board finds that she has not met her burden of proof.[16]

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 the remaining claimed disability from work to obtain medical treatment for intermittent periods, commencing September 9, 2025, causally related to the accepted April 23, 2024 employment injury.

[15] *See supra* notes 10 and 11.

[16] *See K.W.*, Docket No. 24-0049 (issued July 24, 2025).

ORDER

IT IS HEREBY ORDERED THAT the February 13, March 17 and 19, and April 3 and 21, 2026 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: October 28, 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