United States Department of Labor
Employees' Compensation Appeals Board

J.C., Appellant	)	
and	)	**Docket No. 26-0557**
	)	**Issued: October 1, 2026**
U.S. POSTAL SERVICE, CINCINNATI POST OFFICE, Cincinnati, OH, Employer	)	

Appearances:
Alan J. Shapiro, Esq., for the appellant[1]
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 June 3, 2026 appellant, through counsel, filed a timely appeal from a May 13, 2026 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act[2] (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

ISSUES

The issues are: (1) whether OWCP has met its burden of proof to terminate appellant's wage-loss compensation and medical benefits, effective December 3, 2024, as she no longer had

[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*.

disability or residuals causally related to her accepted August 7, 2023 employment injury; and (2) whether appellant has met her burden of proof to establish continuing disability and/or residuals, on or after December 3, 2024, causally related to the accepted August 7, 2023 employment injury.

FACTUAL HISTORY

On August 8, 2023 appellant, then a 41-year-old letter carrier, filed a traumatic injury claim (Form CA-1) alleging that on August 7, 2023 she injured her left knee while in the performance of duty. She recounted that she stepped off a porch and felt a pull and strain on the left side of her knee while working. Appellant stopped work on the date of injury. OWCP accepted the claim for left knee sprain and strains of the posterior left thigh and lower left leg. It paid appellant wage-loss compensation on the supplemental rolls effective September 22, 2023.

Appellant received medical treatment for her conditions, including orthopedic evaluations, physical therapy and x-rays.

A magnetic resonance imaging (MRI) scan dated September 22, 2023 demonstrated prepatellar bursitis and a thin radial tear of the posterior medial meniscal root.

In a medical report dated January 10, 2024, Dr. Sudha Swamy Thompson, a Board-certified internist, noted that appellant related complaints of left knee pain, which she attributed to walking down steps on August 7, 2023. She reviewed the MRI scan and documented physical examination findings. Dr. Thompson diagnosed sprain of the left knee and strains of the posterior left thigh and lower left leg. She indicated that it was possible that appellant twisted her lower left leg when she stepped down, which may have resulted in an injury to the left medial meniscus.

In a medical report dated January 11, 2024, Dr. Jeffrey R. Backes, a Board-certified orthopedic surgeon, noted that appellant related complaints of left knee pain, which she attributed to the August 7, 2023 employment injury. He performed a physical examination and observed tenderness along the medial joint line, trace effusion, and mild discomfort with hyperflexion and McMurray's testing. Dr. Backes reviewed the September 22, 2023 MRI scan and diagnosed left knee sprain and tear of the posterior horn of the medial meniscus. He opined that the posterior horn medial meniscus tear was directly caused by the August 7, 2023 employment injury. Dr. Backes recommended light-duty restrictions and a steroid injection.

In a January 29, 2024 development letter, OWCP informed appellant that the evidence of record was insufficient to establish posterior horn medial meniscus tear as causally related to, or consequential to, the accepted August 7, 2023 employment injury. It advised her of the type of evidence needed and afforded her 30 days to respond.

In a medical report dated February 9, 2024, Lucas Croak, a physician assistant, administered a left knee corticosteroid injection.

On February 26, 2024 OWCP referred appellant, along with the case record, a statement of accepted facts (SOAF), and a series of questions to Dr. Gerald Rosenberg, a Board-certified orthopedic surgeon, for a second opinion examination to determine whether appellant had a current disability or residuals due to her accepted employment conditions, and whether there were any

additional diagnoses, including posterior horn medial meniscus tear, causally related to the accepted employment injury.

In a medical report dated March 4, 2024, Dr. Thompson noted that appellant related localized pain at the medial meniscus, which she indicated was consistent with a medial meniscus tear. She documented physical examination findings and opined that she sustained a left medial meniscus tear causally related to the August 7, 2023 employment injury.

In a March 29, 2024 report, Dr. Rosenberg reviewed the history of injury, medical record, and SOAF. On examination of the left knee, he observed tenderness at the anteromedial and posteromedial joint line. Dr. Rosenberg diagnosed left knee sprain and strains of the posterior left thigh and lower left leg. He opined that the work-related conditions had resolved and attributed appellant's ongoing symptoms to the patella and medial compartment arthritis/chondromalacia, which were not work related. Dr. Rosenberg also opined that she did not require any further medical treatment for the accepted conditions and could return to full-duty work without restrictions.

In a notice dated April 30, 2024, OWCP proposed to terminate appellant's wage-loss compensation and medical benefits because she no longer had disability or residuals causally related to her accepted August 7, 2023 employment injury. It found that the weight of the medical evidence rested with Dr. Rosenberg. OWCP afforded appellant 30 days to submit additional evidence or argument, in writing, if she disagreed with the proposed termination. No response was received.

By decision dated June 4, 2024, OWCP finalized the notice of proposed termination of appellant's wage-loss compensation and medical benefits, effective that date.

On June 18, 2024 appellant, through counsel, requested an oral hearing before a representative of OWCP's Branch of Hearings and Review.

Following a preliminary review, by decision dated August 12, 2024, OWCP's hearing representative vacated the June 4, 2024 termination decision and remanded the case to OWCP for additional development.[3] The hearing representative determined that a conflict in the medical evidence existed between appellant's treating physician, Dr. Backes, and OWCP's second opinion examiner, Dr. Rosenberg, regarding whether appellant sustained a posterior horn medial meniscus tear as causally related to the August 7, 2023 employment injury, and whether she continued to experience disability or residuals causally related to the accepted employment injury.

On September 18, 2024 OWCP referred appellant, along with the medical record, SOAF, and a series of questions, to Dr. Douglas C. Gula, a Board-certified osteopathic orthopedic surgeon, to serve as an impartial medical examiner (IME) to resolve the conflict in medical opinion.

[3] The Board notes that, following the hearing representative's decision, it appears that OWCP did not reinstate appellant's wage-loss compensation.

On October 17, 2024 Dr. Thompson opined that appellant had reached maximum medical improvement.

In an October 25, 2024 report, Dr. Gula, the IME, noted that he reviewed the medical record and SOAF. He also noted that appellant had last worked for the employing establishment on the date of injury and had moved to another state on October 1, 2024 to work in a public school system in a sedentary capacity as a cafeteria assistant watching children and performing administrative duties. Dr. Gula related appellant's complaints of pain and intermittent catching, clicking, snapping, popping, and giving way in the left knee, especially at the end of her workday. Upon physical examination the left knee, he observed slight tenderness to palpation about the medial joint line and a popping sensation while squatting. Dr. Gula also performed anterior and posterior drawer, McMurray's, and reverse McMurray's tests, which were negative for ligament instability. He observed normal reflexes, sensation, and strength of the quadriceps, hamstring, and lower extremity muscles. Appellant was able to transition from seated to standing without difficulty, had a normal gait, was able to toe and heel walk, and could stand on one leg. Dr. Gula diagnosed left knee sprain and strains of the posterior left thigh and lower left leg, causally related to the August 7, 2023 employment injury. He opined that the accepted conditions had resolved. Dr. Gula noted that the MRI scan demonstrated evidence of a thin radial tear of the posterior medial meniscal root and evidence of an ill-defined non-communicating signal extending into the adjacent posterior horn of the meniscus, which were not causally related to the August 7, 2023 employment injury. He explained that there was no history of a twisting injury, nor did the MRI demonstrate evidence of hemarthrosis, which is typically found in cases of peripheral detachment of the meniscus. Dr. Gula noted that any questionable symptomatology from the thin radial tear of the posterior medial meniscus would have resolved. He added that appellant was capable of returning to her date-of-injury position "without any limitations, modifications or restrictions."

By decision dated December 3, 2024, OWCP finalized the notice of proposed termination of appellant's wage-loss compensation and medical benefits, effective that date. It found that the special weight of medical evidence rested with Dr. Gula, the IME, who opined in his October 25, 2024 report that she no longer had disability or residuals causally related to her accepted August 7, 2023 employment injury.

On December 19, 2024 appellant, through counsel, requested an oral hearing before a representative of OWCP's Branch of Hearings and Review. A hearing was held on March 28, 2025.

A May 19, 2025 x-ray of the left knee demonstrated mild hypertrophic changes of the patella, possible bone islands of the distal femur and proximal tibia, and narrowed medial joint space.

In a report dated May 26, 2025, Dr. Joshua Macht, a Board-certified internist, documented physical examination findings, reviewed the May 19, 2025 x-ray, applied the sixth edition of the American Medical Association, *Guides to the Evaluation of Permanent Impairment* (A.M.A.,

Guides),[4] and concluded that appellant had eight percent permanent impairment of the left lower extremity due to left knee arthritis.

By decision dated July 14, 2025, OWCP's hearing representative affirmed the December 3, 2024 decision.

On April 23, 2026 appellant, through counsel, requested reconsideration of OWCP's July 14, 2025 decision.

By decision dated May 13, 2026, OWCP denied modification of the July 14, 2025 decision.

LEGAL PRECEDENT -- ISSUE 1

Once OWCP accepts a claim and pays compensation, it has the burden of proof to justify termination or modification of benefits.[5] It may not terminate compensation without establishing either that the disability has ceased or that it is no longer related to the employment.[6] OWCP's burden of proof includes the necessity of furnishing rationalized medical opinion evidence based on a proper factual and medical background.[7]

The right to medical benefits for an accepted condition is not limited to the period of entitlement for disability compensation.[8] To terminate authorization for medical treatment, OWCP must establish that the employee no longer has residuals of an employment-related condition, which require further medical treatment.[9]

Section 8123(a) of FECA provides that if there is a disagreement between the physician making the examination for the United States and the physician of an employee, the Secretary shall appoint a third physician (known as a referee physician or IME who shall make an examination.[10] For a conflict to arise, the opposing physicians' opinions must be of virtually equal weight and rationale.[11] In situations where the case is properly referred to an IME for the purpose of resolving

[4] A.M.A., *Guides* (6th ed. 2009).

[5] *A.D.*, Docket No. 18-0497 (issued July 25, 2018); *S.F.*, 59 ECAB 642 (2008); *Kelly Y. Simpson*, 57 ECAB 197 (2005); *Paul L. Stewart*, 54 ECAB 824 (2003).

[6] *A.G.*, Docket No. 18-0749 (issued November 7, 2018); *see also I.J.*, 59 ECAB 408 (2008); *Elsie L. Price*, 54 ECAB 734 (2003).

[7] *R.R.*, Docket No. 19-0173 (issued May 2, 2019); *T.P.*, 58 ECAB 524 (2007); *Del K. Rykert*, 40 ECAB 284 (1988).

[8] *L.W.*, Docket No. 18-1372 (issued February 27, 2019); *Kathryn E. Demarsh*, 56 ECAB 677 (2005).

[9] *R.P.*, Docket No. 17-1133 (issued January 18, 2018); *A.P.*, Docket No. 08-1822 (issued August 5, 2009).

[10] 5 U.S.C. § 8123(a); *see E.L.*, Docket No. 20-0944 (issued August 30, 2021); *R.S.*, Docket No. 10-1704 (issued May 13, 2011); *S.T.*, Docket No. 08-1675 (issued May 4, 2009); *M.S.*, 58 ECAB 328 (2007).

[11] *P.R.*, Docket No. 18-0022 (issued April 9, 2018); *James P. Roberts,* 31 ECAB 1010 (1980).

the conflict, the opinion of such specialist, if sufficiently well rationalized and based upon a proper factual background, must be given special weight.[12]

ANALYSIS -- ISSUE 1

The Board finds that OWCP met its burden of proof to terminate appellant's wage-loss compensation and medical benefits, effective December 3, 2024, as she no longer had disability and/or residuals causally related to her accepted August 7, 2023 employment injury.

OWCP determined that there was a conflict in the medical opinion evidence between appellant's treating physician, Dr. Backes, and OWCP's second opinion examiner, Dr. Rosenberg, regarding whether appellant sustained a posterior horn medial meniscus tear causally related to the August 7, 2023 employment injury, and whether she continued to experience disability or residuals causally related to the accepted employment injury. It properly referred appellant, pursuant to 5 U.S.C. § 8123(a), to Dr. Gula for an impartial medical examination and an opinion to resolve the conflict.

In an October 25, 2024 report, Dr. Gula, serving as the IME, indicated that he reviewed the medical record and SOAF. He noted appellant's subjective complaints and documented physical examination findings in the lower extremities. Dr. Gula diagnosed left knee sprain and strains of the posterior left thigh and lower left leg. He opined that the work-related conditions had resolved. Dr. Gula explained that there were no medical findings that indicated the accepted work-related conditions were still active or causing objective symptoms. He also explained that the MRI findings of a thin radial tear of the posterior medial meniscal root and adjacent posterior horn were not causally related to the August 7, 2023 employment injury, as there was no history of a twisting injury, nor did the MRI demonstrate evidence of hemarthrosis which, he explained, is typically found in cases of peripheral detachment of the meniscus. Dr. Gula opined that appellant was not in need of further medical treatment and could return to full-duty work without restrictions.

The factors that comprise the evaluation of medical opinion evidence include the opportunity for and thoroughness of physical examination, the accuracy, or completeness of the physician's knowledge of the facts and medical history, the care of analysis manifested, and the medical rationale expressed in support of the physician's opinion.[13] Dr. Gula based his opinion on a proper factual and medical history and physical examination findings. He explained that appellant's physical examination revealed that the accepted employment-related conditions had resolved, and that appellant could return to her pre-injury position without restrictions. Accordingly, the Board finds that Dr. Gula's opinion constitutes the special weight of the medical opinion evidence and establishes that appellant no longer had employment-related disability or residuals causally related to the accepted August 7, 2023 employment injury.[14]

[12] *See D.M.*, Docket No. 18-0746 (issued November 26, 2018); *R.H.*, 59 ECAB 382 (2008); *James P. Roberts*, *id*.

[13] *See P.J.,* Docket No. 22-0905 (issued November 15, 2022); *K.R.,* Docket No. 22-0019 (issued July 11, 2022); *Nicolette R. Kelstrom*, 54 ECAB 570 (2003); *Anna M. Delaney*, 53 ECAB 384 (2002).

[14] *See D.G.*, Docket No. 19-1259 (issued January 29, 2020); *see also D.T.*, Docket No. 10-2258 (issued August 1, 2011); *Gloria J. Godfrey*, 52 ECAB 486 (2001).

As the medical evidence of record establishes that appellant no longer had disability or residuals effective December 3, 2024, causally related to the accepted August 7, 2023 employment injury, the Board finds that OWCP met its burden of proof.

LEGAL PRECEDENT -- ISSUE 2

Once OWCP properly terminates a claimant's compensation benefits, the burden shifts to appellant to establish continuing disability after that date causally related to the accepted employment injury.[15] To establish causal relationship between the condition as well as any attendant disability claimed and the employment injury, an employee must submit rationalized medical evidence based on a complete medical and factual background, supporting such causal relationship.[16]

ANALYSIS -- ISSUE 2

The Board finds that appellant has not met her burden of proof to establish continuing disability and/or residuals, on or after December 3, 2024, causally related to the accepted August 7, 2023 employment injury.

Following OWCP's December 3, 2024 termination decision, OWCP received a May 26, 2025 report from Dr. Macht, who opined that appellant had eight percent permanent impairment of the left lower extremity due to left knee arthritis under the sixth edition of the A.M.A., *Guides.* However, Dr. Macht did not provide a medical opinion explaining that appellant continued to have disability and/or residuals on or after December 3, 2024 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 or disability is of no probative value.[17]

As the medical evidence of record is insufficient to establish continuing disability or residuals on or after December 3, 2024 causally related to appellant's accepted August 7, 2023 employment injury, the Board finds that appellant has not met her burden of proof.[18]

CONCLUSION

The Board finds that OWCP met its burden of proof to terminate appellant's wage-loss compensation and medical benefits, effective December 3, 2024, as she no longer had disability or residuals causally related to her accepted August 7, 2023 employment injury. The Board further

[15] *R.R.,* Docket No. 25-0090 (issued January 31, 2025); *S.G.,* Docket No. 23-0652 (issued October 11, 2023); *V.W.,* Docket No. 20-0693 (issued June 2, 2021); *D.G.,* Docket No. 19-1259 (issued January 29, 2020); *S.M.,* Docket No. 18-0673 (issued January 25, 2019); *J.R.,* Docket No. 17-1352 (issued August 13, 2018); *Manuel Gill,* 52 ECAB 282 (2001).

[16] *Id*.

[17] *See T.H*., Docket No. 23-0811 (issued February 13, 2024); *L.B*., Docket No. 18-0533 (issued August 27, 2018); *D.K*., Docket No. 17-1549 (issued July 6, 2018).

[18] *R.A*., Docket No. 26-0062 (issued May 1, 2026); *R.R.,* Docket No. 25-0090 (issued January 31, 2025); *M.M.,* Docket No. 19-0951 (issued October 24, 2019); *Jaja K. Asaramo,* 55 ECAB 200 (2004).

finds that appellant has not met her burden of proof to establish continuing disability or residuals on or after December 3, 2024, causally related to the accepted August 7, 2023 employment injury.

ORDER

IT IS HEREBY ORDERED THAT the May 13, 2026 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: October 1, 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