United States Department of Labor
Employees' Compensation Appeals Board

J.C., Appellant	)	
and	)	**Docket No. 26-0603**
	)	**Issued: October 13, 2026**
DEPARTMENT OF VETERANS AFFAIRS, VETERANS INTEGRATED SERVICE NETWORK 10, Cleveland, 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:
ALEC J. KOROMILAS, Chief Judge
PATRICIA H. FITZGERALD, Deputy Chief Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On June 17, 2026 appellant, through counsel, filed a timely appeal from a June 3, 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.

[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*.

ISSUE

The issue is whether appellant has met his burden of proof to establish a bilateral carpal tunnel condition causally related to the accepted factors of his federal employment.

FACTUAL HISTORY

On July 15, 2025 appellant, then a 71-year-old motor vehicle operator, filed an occupational disease claim (Form CA-2) alleging that he sustained severe carpal tunnel syndrome in both hands due to factors of his federal employment, which included "driving pain in both hand[s]." He indicated that he first realized his condition and that it was caused or aggravated by his federal employment on July 8, 2025. On the reverse side of the claim form, the employing establishment challenged the claim. Appellant did not stop work.

A June 25, 2025 electromyography/nerve conduction velocity (EMG/NCV) study revealed an impression of severe bilateral carpal tunnel syndrome. There was no evidence of a right or left upper limb cervical radiculopathy, plexopathy, or myopathic process.

In a July 9, 2025 report, Dr. Susan Arceneaux, a Board-certified physiatrist, noted that appellant worked as a van driver for the employing establishment since 2017. He reported that his pain was occupationally related as he worked as a driver for Greyhound, Regional Transit Authority and the employing establishment. Dr. Arceneaux indicated that the recent EMG/NCV study showed severe bilateral carpal tunnel syndrome. She referred appellant to the hand clinic for further evaluation and treatment.

Information from an outpatient surgery center indicated that appellant was scheduled for right-hand surgery on September 23, 2025 and left-hand surgery on October 20, 2025.

In a development letter dated July 30, 2025, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence needed 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 information from the employing establishment, including comments from a knowledgeable supervisor regarding appellant's allegations. OWCP afforded the employing establishment 30 days to respond.

In an August 11, 2025 statement, the employing establishment challenged the claim. It indicated that appellant worked for many years as a driver prior to his federal employment.

In an August 15, 2025 letter, the employing establishment responded to OWCP's questionnaire. It provided a copy of the motor vehicle operator position description and a duty status report (Form CA-17) with the physical requirements of the motor vehicle operator position.

In a follow-up letter dated August 25, 2025, OWCP advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish his claim. It noted that he had 60 days from the July 30, 2025 letter to submit the necessary evidence. OWCP further advised that if the evidence was not received during this time, it would issue a decision based on the evidence contained in the record.

OWCP received appellant's September 1, 2025 response to its development questionnaire; and two notes dated August 20, 2025 from a nurse practitioner, which confirmed that appellant was scheduled for right-hand surgery on September 23, 2025, and left-hand surgery on October 28, 2025.

By decision dated October 6, 2025, OWCP denied appellant's 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.

On October 14, 2025 appellant, through counsel, requested an oral hearing before a representative of OWCP's Branch of Hearings and Review. An oral hearing was held on March 13, 2026.

In a March 17, 2026 report, Dr. Mary D'Onofrio, a Board-certified family practitioner, noted that appellant had nine years of repetitive job duties of driving buses and vans for the employing establishment. She provided a medical definition of carpal tunnel syndrome. Dr. D'Onofrio explained that repetitive movements and forceful grasping with the hands or repetitive bending of the wrists causes repeated micro trauma causing swelling, thickening and irritation of the membranes in the carpal tunnel, resulting in enlargement of the tendons and increased pressure on the median nerve. The increased pressure on the median nerve results in constriction of the nerve which is the carpal tunnel syndrome. Dr. D'Onofrio further explained that driving for employment for prolonged periods of time was a known risk factor/cause of carpal tunnel syndrome. She opined that the "job-related repetitive actions most likely caused" appellant to contract the bilateral carpal tunnel syndrome diagnosed by clinical examination and by electrodiagnostic studies.

By decision dated June 3, 2026, an OWCP hearing representative affirmed OWCP's October 6, 2025 decision.

LEGAL PRECEDENT

An employee seeking benefits under FECA[3] 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,[4] 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

[3] *Id.*

[4] *See S.F.*, Docket No. 23-0264 (issued July 5, 2023); *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).

employment injury.[5] 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.[6]

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit: (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 casually related to the identified employment factors.[7]

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.[8] The opinion of the physician must be based upon a complete factual and medical background, must be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment incident.[9]

In a case in which a preexisting condition involving the same part of the body is present and the issue of causal relationship, therefore, involves aggravation, acceleration, or precipitation, the physician must provide a rationalized medical opinion that differentiates between the effects of the work-related injury or disease and the preexisting condition.[10]

ANALYSIS

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

In her July 9, 2025 report, Dr. Arceneaux noted that appellant worked as a van driver for the employing establishment since 2017 and that his recent EMG/NCV showed severe bilateral carpal tunnel syndrome. This report, however, offered no opinion regarding the cause of appellant's bilateral carpal tunnel syndrome. 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 on

[5] *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).

[6] *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).

[7] *T.W.*, Docket No. 20-0767 (issued January 13, 2021); *L.D.*, Docket No. 19-1301 (issued January 29, 2020); *S.C.*, Docket No. 18-1242 (issued March 13, 2019).

[8] *I.J.*, Docket No. 19-1343 (issued February 26, 2020); *T.H.*, 59 ECAB 388 (2008); *Robert G. Morris*, 48 ECAB 238 (1996).

[9] *M.T.*, Docket No. 24-0103 (issued March 28, 2024); *D.C.*, Docket No. 19-1093 (issued June 25, 2020); *see L.B.*, Docket No. 18-0533 (issued August 27, 2018); *see also Victor J. Woodhams*, 41 ECAB 345 (1989).

[10] Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.805.3e (version 1.2, issued May 4, 2026); *N.N.*, Docket No. 24-0510 (issued July 16, 2024); *J.L.*, Docket No. 20-0717 (issued October 15, 2020).

the issue of causal relationship.[11] Therefore, this evidence is insufficient to establish appellant's claim.

In her March 17, 2026 report, Dr. D'Onofrio opined that appellant's repetitive job duties of driving buses and vans "most likely" caused appellant to contract the bilateral carpal tunnel syndrome diagnosed by clinical examination and by electrodiagnostic studies. However, the Board has held that medical opinions couched with the term "likely" are speculative or equivocal in character and have little probative value.[12] Thus, this evidence is insufficient to establish the claim.

Appellant also submitted evidence signed by nurse practitioners. However, certain health care providers such as nurse practitioners, are not considered physicians under FECA and, therefore, are not competent to provide a medical opinion.[13] Consequently, their medical findings and/or opinions will not suffice for the purpose of establishing entitlement to FECA benefits.[14] As such, this evidence is of no probative value and insufficient to establish appellant's claim.

The remaining medical evidence of record consists of a June 25, 2025 EMG/NCV diagnostic study. However, diagnostic studies, standing alone, lack probative value as they do not address causal relationship.[15] This report is therefore insufficient to establish appellant's claim.[16]

As the medical evidence of record is insufficient to establish a bilateral carpal tunnel condition causally related to the accepted employment factors, 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.

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[11] *See K.A.,* Docket No. 26-0031 (issued February 26, 2026); *B.B.,* Docket No. 25-0661 (issued September 9, 2025); *L.B.,* Docket No. 18-0533 (issued August 27, 2018); *D.K.,* Docket No. 17-1549 (issued July 6, 2018).

[12] *See S.O.,* Docket No. 26-0383 (issued July 14, 2026); *S.C.,* Docket No. 25-0989 (issued January 21, 2026); *B.D.,* Docket No. 25-0852 (issued December 1, 2025); *F.S.,* Docket No. 22-0070 (issued June 14, 2023); *M.L.,* Docket No. 18-0153 (issued January 22, 2020); *N.B.,* Docket No. 19-0221 (issued July 15, 2019); *Z.B.,* Docket No. 17-1336 (issued January 10, 2019); *T.M.,* Docket No. 08-0975 (issued February 6, 2009).

[13] 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 1.2, issued May 4, 2026); *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).

[14] *B.H.,* Docket No. 26-0455 (issued August 3, 2026); *D.O.,* Docket No. 25-0722 (issued January 5, 2026); *N.B.,* Docket No. 19-0221 (issued July 15, 2019).

[15] *See J.S.,* Docket No. 26-0155 (issued May 20, 2026); *A.V.,* Docket No. 19-1575 (issued June 11, 2020).

[16] *J.S., id.*; *E.M.,* Docket No. 24-0331 (issued July 3, 2024).

CONCLUSION

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

ORDER

IT IS HEREBY ORDERED THAT the June 3, 2026 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: October 13, 2026
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board