United States Department of Labor
Employees' Compensation Appeals Board

D.C., Appellant	)	
and	)	**Docket No. 26-0631**
	)	**Issued: October 9, 2026**
DEPARTMENT OF HOMELAND SECURITY, TRANSPORTATION SECURITY ADMINISTRATION, Sacramento, CA, Employer	)	

Appearances:
Steven E. Brown, 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 26, 2026, appellant, through counsel, filed a timely appeal from an April 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.[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] Following the issuance of the April 3, 2026 decision, OWCP received additional evidence. 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 expand the acceptance of his claim to include additional conditions as causally related to, or consequential to, the accepted April 5, 2021 employment injury.

FACTUAL HISTORY

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

On April 5, 2021, appellant, then a 28-year-old compliance inspection and support officer, filed a traumatic injury claim (Form CA-l) alleging that on that date he strained a muscle in his lower right back when he tripped on a chair while in the performance of duty. He stopped work on April 5, 2021, and returned to work on April 9, 2021. OWCP accepted appellant's claim for lumbar sprain.

In an October 24, 2022 medical report, Dr. Sanjay J. Chauhan, a Board-certified neurologist, diagnosed lumbar sprain. He also diagnosed intervertebral lumbar disc dysfunction with radiculopathy, intermittent urinary incontinence, severe left foot drop, moderate right foot drop, and numbness in the groin area consistent with residuals of the above diagnoses. Dr. Chauhan opined that appellant had sustained a disc extrusion, especially at L4-5 and L5-S1, due to the April 5, 2021 employment injury, which led to surgery and neurologic residuals. He further opined that all the diagnoses should be included in appellant's current claim.

By decision dated December 6, 2022, OWCP denied expansion of the acceptance of appellant's claim to include degenerative disc disease and complications of surgery to include left foot drop and incontinence as causally related to the accepted April 5, 2021 employment injury.

On August 11, 2023 and February 22, 2024, appellant, through counsel, requested reconsideration.

By decisions dated August 15, 2023 and February 29, 2024, OWCP denied modification.

On March 29, 2024, appellant, through counsel, appealed OWCP's February 29, 2024 decision to the Board. By decision dated July 29, 2024,[5] the Board affirmed OWCP's February 29, 2024 decision, finding that appellant had not met his burden of proof to expand the acceptance of his claim to include additional conditions of lumbosacral radiculopathy, urinary incontinence, bilateral foot drop, bilateral dermatomal sensory loss at S1 and sensory loss to the groin as causally related to, or consequential to, the accepted April 5, 2021 employment injury.

OWCP subsequently received additional medical evidence from Dr. Chauhan. In progress reports dated October 29, 2024 through February 13, 2025, Dr. Chauhan reiterated his

[4] Docket No. 24-0464 (issued July 29, 2024); Docket No. 25-0621 (issued July 15, 2025).

[5] Docket No. 24-0464 (issued July 29, 2024).

prior diagnoses of intervertebral disc dysfunction of lumbosacral area with radiculopathy, intermittent urinary incontinence, severe left foot drop, moderate right foot drop, and numbness in the groin area consistent with residuals of the above diagnoses. He also related that appellant had undergone surgery on May 28, 2021 due to urgent neurologic symptoms of lower extremity weakness, numbness, urinary incontinence, severe lumbar spine pain, bilateral S1 dermatomal sensory loss, moderate on the left side, slight to moderate on the right side, and groin and private area numbness by history consistent with the above diagnoses causing residuals. Dr. Chauhan reiterated his prior opinion that the diagnosed conditions were causally related to the accepted April 5, 2021 employment injury.

On March 13, 2025, appellant, through counsel, requested reconsideration.

By decision dated March 19, 2025, OWCP denied modification. It found that Dr. Chauhan's reports were insufficient to establish that appellant's additional diagnoses were causally related to the April 5, 2021 employment injury.

OWCP subsequently received additional medical evidence from Dr. Chauhan. In an April 2, 2025 attending physician's supplemental report, Dr. Chauhan opined that appellant had lumbar disc herniation causally related to the April 5, 2021 employment injury.

On April 23, 2025, appellant, through counsel, requested reconsideration of the March 19, 2025 decision.

OWCP subsequently received an April 23, 2025 progress report, wherein Dr. Chauhan restated his prior diagnoses and opinion on causal relationship.

By decision dated May 14, 2025, OWCP denied modification.

On June 12, 2025, appellant, through counsel, appealed OWCP's May 14, 2025 decision to the Board.

By decision dated July 15, 2025,[6] the Board affirmed OWCP's May 14, 2025 decision, again finding that the medical evidence of record was insufficient to establish expansion of the claim to include additional conditions as causally related to the accepted April 5, 2021 employment injury.

OWCP subsequently received additional reports from Dr. Chauhan. In progress reports dated June 17, August 6, and October 1, 2025, Dr. Chauhan recounted appellant's history of experiencing low back pain on April 5, 2021 when he tripped on the leg of a chair and grabbed equipment to stop his fall. He related that appellant subsequently experienced transient left leg numbness while performing his light-duty work. Dr. Chauhan noted that around May 24, 2021 appellant's pain worsened, his leg became numb, and he experienced difficulty with urination. Appellant sought treatment at the hospital and underwent lumbar surgery on May 28, 2021. Dr. Chauhan reiterated his prior diagnoses of intervertebral lumbar disc dysfunction with radiculopathy, intermittent urinary incontinence, severe left foot drop, moderate right foot drop, numbness in the groin area consistent with residuals of the above diagnoses, and bilateral S1 dermatomal sensory loss, moderate on the left side, slight to moderate on the right side. He also

[6] Docket No. 25-0621 (issued July 15, 2025).

reiterated his prior opinion that the diagnosed conditions were due to the April 5, 2021 employment injury. Dr. Chauhan further opined that appellant had large disc herniation or extrusion, especially at L4-5, L5-Sl levels and other levels due to the accepted employment injury which led to surgery and neurologic residuals. He indicated that the disc herniation condition became symptomatic or worsened because it compressed the nerve root as appellant performed modified work and activities of daily living (ADLs). Dr. Chauhan maintained that appellant had already incurred severe extrusion of the disc, as he continued to perform modified work. He related that "this could certainly cause impingement of the nerve root." Dr. Chauhan maintained that appellant's current diagnoses were not caused by a new injury in the shower at home on May 25, 2021, but rather due to the progression and continuation of his accepted employment injury.

On March 11, 2026, appellant, through counsel, requested reconsideration.

By decision dated April 3, 2026, OWCP denied modification.

LEGAL PRECEDENT

When an employee claims that a condition not accepted or approved by OWCP was due to an employment injury, he or she bears the burden of proof to establish that the condition is causally related to the employment injury.[7]

To establish causal relationship between the condition, as well as any attendant disability claimed and the accepted employment injury, the employee must submit rationalized medical opinion evidence based on a complete factual and medical background, supporting such a causal relationship.[8] The opinion of the physician must be based on a complete factual and medical background of the claimant, 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 accepted employment injury.[9] The weight of medical evidence is determined by its reliability, its probative value, its convincing quality, the care of analysis manifested, and the medical rationale expressed in support of the physician's opinion.[10]

ANALYSIS

The Board finds that appellant has not met his burden of proof to expand the acceptance of his claim to include additional conditions as causally related to, or consequential to, the accepted April 5, 2021 employment injury.

Preliminarily, the Board notes that it is unnecessary to consider the evidence appellant submitted prior to the issuance of the May 14, 2025 OWCP decision because the Board

[7] *See A.M.,* Docket No. 22-0707 (issued October 16, 2023); *V.P.,* Docket No. 21-1111 (issued May 23, 2022); *S.B.,* Docket No. 19-0634 (issued September 19, 2019); *Jaja K. Asaramo,* 55 ECAB 200, 204 (2004).

[8] *K.B.,* Docket No. 22-0842 (issued April 25, 2023); *T.K.,* Docket No. 18-1239 (issued May 29, 2019).

[9] *R.P.,* Docket No. 18-1591 (issued May 8, 2019).

[10] *Id.*

considered that evidence in its July 15, 2025 decision. Findings made in prior Board decisions are *res judicata* absent any further review by OWCP under section 8128 of FECA.[11]

In progress reports dated June 17, August 6, and October 1, 2025, Dr. Chauhan opined that appellant had intervertebral disc dysfunction of lumbosacral area with radiculopathy, intermittent urinary incontinence, severe left foot drop, moderate right foot drop, and numbness in the groin area consistent with residuals of the above diagnoses due to the accepted April 5, 2021 employment injury. He further opined that appellant had large disc herniation or extrusion, especially at L4-5, L5-Sl levels and other levels due to the accepted employment injury which led to surgery and neurologic residuals. Dr. Chauhan indicated that the disc herniation condition became symptomatic or worsened because it compressed the nerve root as appellant performed modified work and ADLs. He maintained that appellant had already incurred severe extrusion of the disc because he continued to perform modified work and "this could certainly cause impingement of the nerve root." Dr. Chauhan further maintained that appellant's current diagnoses were not caused by a new injury in the shower at home on May 25, 2021, but rather due to the progression and continuation of his accepted employment injury. However, while he concluded that appellant's diagnosed conditions were causally related to the accepted April 5, 2021 employment injury, he did not explain his opinion with sufficient rationale. The Board has explained that medical opinion evidence must offer a medically-sound pathophysiological explanation of how the specific employment incident caused the diagnosed conditions.[12] The Board has held that a report is of limited probative value regarding causal relationship if it does not contain sufficient medical rationale explaining how a given medical condition was causally related to the accepted employment injury.[13] Thus, this evidence is insufficient to establish expansion of the claim.[14]

As the medical evidence of record is insufficient to establish expansion of the claim to include the additional diagnosed conditions as causally related to, or consequential to, the accepted April 5, 2021 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.

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[11] *N.O.,* Docket No. 20-0478 (issued August 22, 2025); *M.V.,* Docket No. 24-0092 (issued March 28, 2024); *R.P.,* Docket No. 23-0638 (issued November 30, 2023); *A.D.,* Docket No. 20-0553 (issued April 19, 2021); *M.D.,* Docket No. 19-0510 (issued August 6, 2019); *Clinton E. Anthony, Jr.,* 49 ECAB 476, 479 (1998).

[12] *C.L.,* Docket No. 25-0593 (issued July 15, 2025); *K.J.,* Docket No. 21-0020 (issued October 22, 2021); *L.R.,* Docket No. 16-0736 (issued September 2, 2016); *J.R.,* Docket No. 12-1099 (issued November 7, 2012); *Douglas M. McQuaid,* 52 ECAB 382 (2001).

[13] *See S.W.,* Docket No. 25-0473 (issued May 15, 2025); *J.B.,* Docket No. 21-0011 (issued April 20, 2021); *A.M.,* Docket No. 19-1394 (issued February 23, 2021); *C.B. (S.B),* Docket No. 19-1629 (issued April 7, 2020); *V.T.,* Docket No. 18-0881 (issued November 19, 2018); *S.E.,* Docket No. 08-2214 (issued May 6, 2009); *T.M.,* Docket No. 08-0975 (issued February 6, 2009).

[14] *S.W., id.*; *B.W.,* Docket No. 21-0536 (issued March 6, 2023); *M.M.,* Docket No. 20-1557 (issued November 3, 2021).

CONCLUSION

The Board finds that appellant has not met his burden of proof to expand the acceptance of his claim to include additional conditions as causally related to, or consequential to, the accepted April 5, 2021 employment injury.

ORDER

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

Issued: October 9, 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