United States Department of Labor
Employees' Compensation Appeals Board

L.A., Appellant	)	
	)	**Docket No. 26-0304**
and	)	**Issued: September 3, 2026**
	)	
U.S. POSTAL SERVICE, BIRMINGHAM POST OFFICE, Birmingham, AL, Employer	)	

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:
ALEC J. KOROMILAS, Chief Judge
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On February 9, 2026 appellant filed a timely appeal from a January 20, 2026 merit decision 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.

ISSUE

The issue is whether appellant has met her burden of proof to establish total disability from work for the period November 27, 2023 through May 24, 2024, causally related to her accepted employment injury.

[1] 5 U.S.C. § 8101 *et seq.*

FACTUAL HISTORY

This case has previously been before the Board.[2] The facts and circumstances as presented in the Board's prior decision are incorporated herein by reference. The relevant facts are as follows.

On June 24, 2024 appellant, then a 40-year-old rural carrier, filed a traumatic injury claim (Form CA-1) alleging that on November 27, 2023 she sustained a back injury when lifting and carrying heavy loads while in the performance of duty. She stopped work on November 27, 2023.[3]

In a note dated November 29, 2023, Dr. Stephen C. Hammack, an attending Board-certified family practitioner, advised that appellant could not lift more than 20 pounds through December 27, 2023 due to a medical condition.

In progress notes dated November 29 and December 27, 2023, and April 8, 2024, Dr. Hammack diagnosed low back pain without sciatica, unspecified back pain laterality, unspecified chronicity, current moderate episode of major depressive disorder without prior episode, upper back strain, subsequent encounter. He noted that appellant had ongoing issues after a back injury at work two years prior, and that she had multiple flareups since then. Dr. Hammack further noted that, although her condition had improved some, she was still unable to perform her normal job activities. In his April 8, 2024 report, he indicated that appellant had attempted to return to work with a lifting limit, however, the employing establishment could not accommodate light-duty work within her limitations.

In an April 30, 2024 note, Dr. Hammack related a history of appellant's November 1, 2021 employment injury, provided restrictions of lifting no more than 20 pounds, and noted that no light-duty work was available at her current job. He reported that appellant had difficulty working continuously for an eight-hour day without experiencing significant pain. Dr. Hammack noted that her symptoms were not present prior to the work-related injury. He related that he had no reason to believe that appellant's symptoms were not related to her injury.

In an undated report, received by OWCP on May 29, 2024, Dr. Hammack noted that appellant presented with a recurrence of a strain of the muscle and tendon in the back wall of the thorax, which initially occurred in November 2021 from an on-the-job injury. He reported his examination findings and diagnosed recurrence of strain of the muscle and tendon in the back wall

[2] Docket No. 25-0476 (issued July 10, 2025).

[3] OWCP assigned the present claim OWCP File No. xxxxxx856. Appellant previously filed a Form CA-1 on January 11, 2022 alleging that on November 1, 2021 she sustained a back injury when lifting a tub of flats while in the performance of duty. OWCP accepted that claim under OWCP File No. xxxxxx420 for strain of muscle and tendon of the back wall of thorax. By decision dated March 28, 2024, it denied appellant's claim for a recurrence of disability, commencing November 27, 2023, causally related to her accepted November 1, 2021 employment injury. By decisions dated May 10 and June 3, 2024, OWCP denied modification of its denial of appellant's recurrence claim. It has administratively combined OWCP File Nos. xxxxxx856 and xxxxxx420, with the latter serving as the master file.

of the thorax and cervical spondylosis. Dr. Hammack reiterated appellant's 20-pound lifting work restriction.

In progress notes dated February 22 and April 4, 2024, Dr. Joaquin A. Hidalgo, a Board-certified neurosurgeon, noted that appellant had a history of back pain following her November 1, 2021 employment injury. He discussed examination findings and reviewed diagnostic studies. Dr. Hidalgo provided assessments of chronic left-sided low back pain and cervical spondylosis.

OWCP also received a series of diagnostic studies dated between December 17, 2023 and March 29, 2024.

On July 30, 2024 OWCP converted appellant's traumatic injury claim into an occupational disease claim (Form CA-2).[4]

On August 1, 2024 OWCP referred appellant, along with the medical record, a statement of accepted facts (SOAF), and a series of questions, to Dr. Samuel G. Meredith, Jr., a Board-certified orthopedic surgeon, for a second opinion evaluation.

In a September 9, 2024 report, Dr. Meredith noted appellant's history of injury on November 1, 2021, and his review of the SOAF and medical record. He specifically referenced a November 29, 2023 note, wherein, Dr. Hammack diagnosed low back pain without sciatica in OWCP File No. xxxxxx420. Dr. Meredith recounted that appellant related to him that her low back complaints had resolved. He noted that there was no clear history or medical record indicating that appellant's lumbar spine complaints were related to her original injury or any subsequent work activities as she had related that her lumbar spine problem had resolved. Dr. Meredith discussed his examination findings and provided an impression that appellant had degenerative changes in her cervical spine with possible radiculopathy aggravated by her employment. He indicated that he was unable to determine whether the aggravation was temporary or permanent as her treatment had not been completed and the natural history of the condition had not played out yet. Dr. Meredith concluded that appellant was unable to perform her full duties as a rural carrier. In an accompanying work capacity evaluation (Form OWCP-5c) dated September 9, 2024, he reiterated his opinion that appellant was unable to perform her usual job but, advised that she could work four hours per day with restrictions.

On October 3, 2024 OWCP accepted appellant's claim for spondylosis without myelopathy or radiculopathy, cervical region, and radiculopathy, cervical region.

Also on October 3, 2024 OWCP requested that Dr. Meredith provide a supplemental report, including a rationalized medical opinion as to whether appellant's work stoppage on November 24, 2023 was due to her accepted conditions of cervical spondylosis and cervical radiculopathy.

In a supplemental report dated October 8, 2024, Dr. Meredith opined that appellant's work stoppage on November 24, 2023 was not the result of her cervical spine problem. He referenced

[4] A May 24, 2024 notification of personnel action (PS Form 50) indicated that appellant was separated from employment, effective May 17, 2024, due to her absence without leave.

the November 2023 office note from appellant's treating physician, which he had referenced in his September 9, 2024 report, indicating that appellant was seen for low back pain. Dr. Meredith again indicated that he had reviewed his initial report and was unable to attribute, with medical certainty, appellant's lower back pain to her original employment injury or any subsequent work injury.

On October 12, 2024 appellant filed a claim for compensation (Form CA-7) for disability from work for the period November 27, 2023 through May 24, 2024.

In a development letter dated October 21, 2024, OWCP informed appellant of the deficiencies of her claim for wage-loss compensation for the period November 27, 2023 through May 24, 2024. It advised her of the type of medical evidence needed to establish her claim and afforded her 30 days to submit the necessary evidence.

In a November 8, 2024 report, Dr. Hammack noted that appellant had been under his care since November 29, 2023, and was treated for her complaints arising from a 2021 work-related injury. He explained that this injury led to the development of cervical spondylosis, a condition that severely affects the neck and spinal health, causing chronic pain and limiting her mobility. Dr. Hammack advised that, despite appellant's efforts to manage this condition, including regular medical treatment and physical therapy, she continued to experience significant discomfort and limitations in her daily activities. He recommended continued treatment to manage her symptoms and prevent further deterioration from her condition.

On November 15, 2024 OWCP requested that Dr. Meredith provide a supplemental report clarifying his opinions regarding whether his examination and the review of the medical evidence supported that appellant's work stoppage on November 24, 2023 resulted from a temporary aggravation of her accepted spondylosis without myelopathy or radiculopathy and/or radiculopathy of cervical region, and whether appellant sustained any lumbar spine conditions causally related to her accepted November 1, 2021 traumatic employment injury under OWCP File No. xxxxxx420 or accepted occupational disease injury under OWCP File No. xxxxxx856 prior to her work stoppage on November 24, 2023. It provided him with an updated SOAF dated November 15, 2024, which listed the accepted conditions of appellant's occupational disease claim under OWCP File No. xxxxxx856 as radiculopathy, cervical region, and spondylosis without myelopathy or radiculopathy, cervical region, and the accepted conditions of her traumatic injury claim under OWCP File No. xxxxxx420 as strain of muscle and tendon back wall of thorax. OWCP advised that Dr. Meredith must use the SOAF as the only factual framework for his opinion.

In an addendum report dated November 19, 2024, Dr. Meredith noted his confusion with the multiple facts of appellant's two claims under separate OWCP file numbers in the updated SOAF. He noted his review of Dr. Hammack's November 29, 2023 note, which indicated that appellant was treated for lumbar spine pain and advised that the medical record did not reveal that she was specifically directed to take time off work for lumbar pain, but he assumed that this occurred. Dr. Meredith then advised that the work stoppage in question was not due to appellant's cervical spine, as he had originally opined. He again noted that during his initial evaluation of appellant, she related to him that her low back condition had completely resolved.

In an October 22, 2024 progress note, Dr. Hammack discussed his physical examination findings and diagnosed the accepted conditions of cervical spondylosis without myelopathy radiculopathy and cervical radiculopathy. He also diagnosed chronic left-sided low back pain without sciatica.

On December 20, 2024 OWCP requested that Dr. Meredith review an updated SOAF dated December 20, 2024 and the medical records in OWCP File Nos. xxxxxx420 and xxxxxx856, and provide a supplemental report addressing whether appellant was disabled from work as of November 27, 2023 due to her accepted conditions of spondylosis without myelopathy radiculopathy, cervical region; and radiculopathy, cervical region in OWCP File No. xxxxxx856.

In a December 30, 2024 supplemental report, Dr. Meredith noted his review of the December 20, 2024 SOAF, his prior reports, and Dr. Hammack's office note diagnosing lumbar spine pain. He opined that, based on his review, there was no evidence as to the activity of appellant's cervical spine pain problems on or after November 27, 2023.

By decision dated January 27, 2025, OWCP denied appellant's Form CA-7 claim for disability from work during the period November 27, 2023 through May 24, 2024, finding that the medical evidence of record was insufficient to establish disability from work during the claimed period causally related to her accepted employment injury.

OWCP subsequently received a February 3, 2025 progress note, wherein Dr. Hammack noted that appellant presented for follow up due to her cervical degenerative disc disease. Dr. Hammack noted that appellant's condition was exacerbated by a November 2021 work injury. He discussed examination findings and diagnosed cervical degenerative disc disease. Dr. Hammack noted that appellant had persistent neck pain since her on-the-job injury over three years ago. He further noted that she continued to work with restrictions and take muscle relaxers.

On February 15, 2025 appellant requested reconsideration of the January 27, 2025 decision.

In support thereof, appellant submitted additional medical evidence from Dr. Hammack. In notes dated November 27, 2024 and February 12, 2025, Dr. Hammack related appellant's complaint of persistent symptoms stemming from her accepted November 2021 cervical injury and November 2023 back injury. He opined that she continued to be unable to perform her work duties and remained restricted from lifting more than 20 pounds.

In a February 11, 2025 attending physician's report (Form CA-20), Dr. Hammack continued to diagnose the accepted condition of cervical radiculopathy. He explained that this condition aggravated appellant's existing condition, which caused long-lasting myofascial and radicular pain not present before her injury. Dr. Hammack indicated that appellant had been partially disabled since November 2021.

In a note dated February 12, 2025, Dr. Hammack advised that appellant had a persistent problem with her neck originating from her 2021 employment injury. He concluded that her continued inability to work resulted from this injury and she was unable to return to full-duty work.

On February 20, 2025 OWCP requested that Dr. Meredith review the medical record and provide a supplemental report addressing whether appellant was temporarily and totally disabled from work during the period November 27, 2023 through May 24, 2024.

In a supplemental report dated February 27, 2025, Dr. Meredith noted his review of the medical record. He related that until an office visit note dated February 3, 2025 the evidence he had reviewed did not indicate appellant's work status. Dr. Meredith advised that, "[b]ased on this limited information about [appellant's] work capabilities in the medical record, I am still unable to determine with medical certainty that the claimant either was or was not disabled from cervical spine pathology between the dates of 11/27/23 and 5/24/24."

By decision dated March 11, 2025, OWCP denied modification of the January 27, 2025 decision.

On April 11, 2025 appellant appealed to the Board. By decision dated July 10, 2025,[5] the Board set aside OWCP's March 11, 2025 decision, finding that the case was not in posture for decision, and remanded the case to OWCP for further development. It directed OWCP to refer appellant, along with the medical record and an updated SOAF, to a new second opinion physician for an evaluation and a rationalized opinion regarding whether appellant was disabled from work during the period November 27, 2023 through May 24, 2024, causally related to her accepted employment injury, to be followed by a *de novo* decision.

On remand, OWCP referred appellant, a SOAF, the medical record, and a series of questions, to Dr. Douglas C. Brown, a Board-certified orthopedic surgeon, for a second opinion examination on November 12, 2025 to determine whether appellant was disabled from work during the period November 27, 2023 through May 24, 2024 causally related to the November 27, 2023 employment injury.

In a November 17, 2025 report, Dr. Brown noted his review of the SOAF and medical record and discussed his findings on physical examination. He noted a prior 2021 injury from "lifting heavy materials" which was accepted for strain of muscle and tendon of the back wall of thorax, under OWCP File No. xxxxxx420, and reported that appellant had been released to full-duty work without restrictions on April 7, 2022. Dr. Brown reported that under the current claim, OWCP File No. xxxxxx856, appellant stopped work on November 24, 2023 and sought treatment with Drs. Hammack and Hidalgo. He noted that he had reviewed her records and while Dr. Meredith referred to MRI scans of the cervical spine revealing cervical spondylosis and degenerative disc changes, he reported finding a note from a medical provider which revealed that degenerative disc protrusions were seen at C4-5 with mild spinal stenosis, as well as degenerative disc disease at L5-S1, more severe on the right side.

Dr. Brown indicated that appellant described four different types of pain on the visual analog scale, none of which were noted in the cervical spine region or radicular pain in the arms or legs, which was tantamount to symptom magnification because more than two types of pain were described. He diagnosed C4-5 mild degenerative disc bulging with mild spinal stenosis and evidence of symptom magnification. Dr. Brown opined that there was no evidence from the record

[5] *Supra* note 2.

that appellant was disabled from work during the period November 27, 2023 through May 24, 2024. He noted that her condition appeared to be related to the original 2021 incident which had not been aggravated since that time. Dr. Brown concluded that appellant could return to work, in a slightly modified capacity at a medium work level, with maximum lifting restrictions of 50 pounds as he believed she was capable of carrying a 35-pound bag of mail.

In a November 17, 2025 Form OWCP-5c, Dr. Brown noted a diagnosis of cervical spondylosis and advised that appellant was unable to perform her regular job, but she could work eight hours per day with permanent restrictions. He further reported that appellant was unable to lift 70 pounds and was capable of performing medium-level work. Dr. Brown provided work restrictions of no pulling, lifting, or squatting greater than 50 pounds for more than two hours per day.

By *de novo* decision dated January 20, 2026, OWCP denied appellant's claim for disability from work during the period November 27, 2023 through May 24, 2024 as the medical evidence of record was insufficient to establish her claim.

LEGAL PRECEDENT

An employee seeking benefits under FECA has the burden of proof to establish the essential elements of his or her claim including that any disability or specific condition for which compensation is claimed is causally related to the employment injury.[6]

Under FECA the term "disability" means the incapacity, because of an employment injury, to earn the wages that the employee was receiving at the time of injury.[7] Disability is thus not synonymous with physical impairment, which may or may not result in an incapacity to earn wages.[8] An employee who has a physical impairment causally related to a federal employment injury, but who nevertheless has the capacity to earn the wages he or she was receiving at the time of injury, has no disability as that term is used in FECA.[9] When, however, the medical evidence establishes that the residuals or sequelae of an employment injury are such that, from a medical standpoint, they prevent the employee from continuing in his or her employment, he or she is entitled to compensation for loss of wages.[10]

The medical evidence required to establish causal relationship between a claimed period of disability and an employment injury is rationalized medical opinion evidence. The opinion of the physician must be based on a complete factual and medical background of the claimant, must

[6] *S.W.*, Docket No. 18-1529 (issued April 19, 2019); *J.F.*, Docket No. 09-1061 (issued November 17, 2009); *Kathryn Haggerty*, 45 ECAB 383 (1994); *Elaine Pendleton*, 40 ECAB 1143 (1989).

[7] 20 C.F.R. § 10.5(f).

[8] *See L.W.*, Docket No. 17-1685 (issued October 9, 2018).

[9] *See K.H.*, Docket No. 19-1635 (issued March 5, 2020).

[10] *See D.R.,* Docket No. 18-0323 (issued October 2, 2018).

be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the claimed disability and the accepted employment injury.[11]

For each period of disability claimed, the employee has the burden of proof to establish that he or she was disabled from work causally related to the accepted employment injury.[12] 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 their disability and entitlement to compensation.[13]

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish total disability from work for the period November 27, 2023 through May 24, 2024, causally related to her accepted employment injury.

On remand, OWCP referred appellant to a new second opinion physician, Dr. Brown, to determine whether she sustained disability from work for the period November 27, 2023 through May 24, 2024 causally related to her accepted employment injury.

In a November 17, 2025 report, Dr. Brown noted his review of the SOAF and the medical record and performed a physical examination. He opined that appellant's claimed disability from work for the period November 27, 2023 through May 24, 2024 was not causally related to the current accepted employment conditions. Dr. Brown explained that MRI scans of the cervical spine revealed degenerative disc protrusions at C4-5 with mild spinal stenosis and degenerative disc disease at L5-S1. However, he indicated that appellant described four different types of pain on the visual analog scale, none of which were noted in the cervical spine region or radicular pain in the arms or legs, which was tantamount to symptom magnification because more than two types of pain were described. As such, Dr. Brown concluded that she could return to medium-level, modified-duty work, with maximum lifting restrictions of 50 pounds as he believed she could carry a 35-pound bag of mail. In an accompanying Form OWCP-5c of even date, he reiterated his opinion regarding appellant's work capacity and set forth the work-related restrictions. The Board finds that Dr. Brown's November 17, 2025 report was well rationalized and based on an accurate history of injury.[14] As he reviewed the medical record and supported his conclusion with medical rationale, the Board finds that his opinion represents the weight of the medical evidence.[15]

[11] *S.J.*, Docket No. 17-0828 (issued December 20, 2017); *Kathryn E. DeMarsh*, 56 ECAB 677 (2005).

[12] *See B.D.*, Docket No. 18-0426 (issued July 17, 2019); *Amelia S. Jefferson*, 57 ECAB 183 (2005); *Fereidoon Kharabi,* 52 ECAB 291, 293 (2001).

[13] *Id.*

[14] *See E.J.*, Docket No. 25-0251 (issued April 3, 2025); *J.R.*, Docket No. 20-0292 (issued June 26, 2020).

[15] *H.M.*, Docket No. 26-0426 (issued July 28, 2026); *L.D.*, Docket No. 24-0840 (issued March 6, 2025); *A.D.*, Docket No. 24-0770 (issued October 22, 2024); *M.H.*, Docket No. 22-1178 (issued April 25, 2023).

In medical notes, reports, and forms dated November 29, 2023 through February 12, 2025, Dr. Hammack related a history of appellant's November 1, 2021 employment injury, discussed physical examination findings, and diagnosed cervical spondylosis without myelopathy radiculopathy and cervical radiculopathy. He opined that appellant was unable to perform her regular work duties and restricted her from lifting more than 20 pounds. Dr. Hammack asserted that appellant had been partially disabled since November 2021 due to her work injury, explaining that the employing establishment could not accommodate her, she had difficulty working an eight-hour continuously day without experiencing significant pain, and her symptoms were not present prior to the work-related injury. The Board notes that Dr. Hammack failed to provide an opinion that appellant was totally disabled from work for the period November 27, 2023 through May 24, 2024 causally related to her 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.[16] Therefore, Dr. Hammack's reports are insufficient to establish appellant's disability claim.

In progress notes dated February 22 and April 4, 2024, Dr. Hidalgo noted that appellant had a history of back pain following her November 1, 2021 employment injury. He discussed examination findings, reviewed diagnostic studies, and provided assessments of chronic left-sided low back pain and cervical spondylosis. However, Dr. Hidalgo did not offer an opinion regarding appellant's disability status during the claimed period, causally related to the accepted employment injury. As noted above, 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 on the issue of causal relationship.[17] This evidence is, therefore, insufficient to establish appellant's disability claim.

The remaining medical evidence consists of diagnostic test results. The Board has held that diagnostic studies, standing alone, lack probative value as they do not address whether the accepted employment injury caused the claimed disability.[18] Such reports are therefore insufficient to establish appellant's claim.

As the medical evidence of record is insufficient to establish total disability from work for the period November 27, 2023 through May 24, 2024, causally related to her accepted employment injury, the Board finds that appellant has not met her burden of proof.[19]

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.

[16] *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).

[17] *Id.*

[18] *See F.D.*, Docket No. 19-0932 (issued October 3, 2019); *J.S.*, Docket No. 17-1039 (issued October 6, 2017).

[19] *A.T.*, Docket No. 25-0224 (issued March 7, 2025).

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish total disability from work for the period November 27, 2023 through May 24, 2024, causally related to her accepted employment injury.

ORDER

IT IS HEREBY ORDERED THAT the January 20, 2026 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: September 3, 2026
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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