United States Department of Labor
Employees' Compensation Appeals Board

D.C., Appellant	)	
and	)	**Docket No. 26-0490**
	)	**Issued: September 24, 2026**
U.S. POSTAL SERVICE, SAINT CHARLES POST OFFICE, Saint Charles, IL, Employer	)	

Appearances:
Stephanie Leet, 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 May 1, 2026 appellant, through counsel, filed a timely appeal from a November 3, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP).[2] Pursuant to the Federal Employees' Compensation Act[3] (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] The case record also contains December 10, 2025 and January 9, 2026 merit decisions of OWCP. Counsel, however, did not appeal from those decisions. Therefore, those decisions are not presently before the Board. 20 C.F.R. § 501.3.

[3] 5 U.S.C. § 8101 *et seq*.

ISSUES

The issues are: (1) whether OWCP has met its burden of proof to terminate appellant's wage-loss compensation and medical benefits, effective June 12, 2025, as she no longer had disability or residuals causally related to her accepted October 31, 2023 employment injury; and (2) whether appellant has met her burden of proof to establish continuing disability and/or residuals, on or after June 12, 2025, causally related to the accepted October 31, 2023 employment injury.

FACTUAL HISTORY

On November 7, 2023 appellant, then a 23-year-old sales, service, and distribution associate, filed a traumatic injury claim (Form CA-1) alleging that she developed severe post-traumatic stress disorder (PTSD), anxiety and panic attacks, as well as flare-ups of her autoimmune disorder, due to harassment, discrimination, and being physically assaulted on October 31, 2023 while in the performance of duty. She stopped work on October 31, 2023 and has not returned.

In progress notes dated October 30, 2023, Dr. Patrick J. Hines, an osteopath Board-certified in family medicine, reported that appellant was seen for complaints of back pain and mental health issues. He diagnosed anxiety, moderate episode of recurrent major depressive disorder, and obsessive-compulsive disorder (OCD). Dr. Hines noted that appellant stated she was considering quitting her job due to work stress.

In a development letter dated November 20, 2023, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence required and provided a questionnaire for her completion. OWCP afforded appellant 60 days to submit the necessary evidence.

In a report dated November 30, 2023, Dr. Hines reported appellant had a history of anxiety and breakthrough panic attacks. He related that while she was attempting to leave work on October 31, 2023 due to a panic attack, her supervisor physically restrained her by strongly clutching her right forearm. Dr. Hines stated that when he saw her on November 11, 2023 appellant had lingering right forearm soreness and mild swelling. Appellant also reported increased levels of anxiety related to her work. Based on this event, Dr. Hines held appellant off work for approximately one month.

In an attending physician's report (Form CA-20) dated November 11, 2023, Dr. Hines diagnosed anxiety and right forearm and elbow contusion. He attributed the diagnosed conditions to appellant being physically restrained when she attempted to leave work due to an acute anxiety and panic attack.

In a follow-up development letter dated December 12, 2023, OWCP advised appellant that it had conducted an interim review and determined that the claim would be accepted for right forearm contusion. However, it further advised that the evidence remained insufficient to establish her claim for anxiety due to the accepted October 31, 2023 employment injury. OWCP provided a copy of the development questionnaire for her completion. It noted that appellant had 60 days from the November 20, 2023 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.

In a separate development letter dated December 12, 2023, OWCP requested that the employing establishment provide information regarding appellant's claim, including comments from a knowledgeable supervisor. It afforded the employing establishment 30 days to submit the requested information.

By decision dated December 12, 2023, OWCP formally accepted the claim for right forearm contusion. It paid appellant wage-loss compensation on the supplemental rolls commencing December 16, 2023 and on the periodic rolls commencing July 14, 2024.

In a January 11, 2024 letter, the employing establishment stated that management was not aware of an injury because it had not been reported. It also related that no additional documentation or other information had been provided by other employees regarding appellant's allegations.

On April 25, 2024 OWCP referred appellant, together with a statement of accepted facts (SOAF), medical record, and list of questions, to Dr. Junaid Makda, a Board-certified orthopedic surgeon, for a second opinion evaluation.

In a report dated July 18, 2024, Dr. Makda noted his review of the SOAF and appellant's medical record. He noted she had no formal treatment for her forearm and that she had occasional clicking of her elbow, which was painless. Appellant related that she had no right forearm pain or discomfort. Dr. Makda performed a physical examination which revealed no obvious deformity, full elbow range of motion, a negative Finkelstein test, and no tenderness to palpation. He opined that appellant's work-related right forearm condition had resolved without residuals. Dr. Makda further found that she was capable of performing her date-of-injury job with no restrictions related to her right forearm.

In a letter dated August 5, 2024, appellant, through counsel, requested expansion of her claim to include anxiety, panic attacks, and PTSD.

On August 28, 2024 OWCP referred appellant, together with a statement of accepted facts (SOAF), the medical record, and a series of questions, to Dr. Robert William Marquis, a Board-certified psychiatrist, for a second opinion evaluation to determine whether the claim should be expanded to accept aggravation of anxiety, panic attacks, and PTSD.

In a report dated September 11, 2024, Dr. Marquis noted his review of the SOAF and appellant's medical history. He noted that appellant had a lengthy history of anxiety and probable mood disorder, with a history of significant family and work stressors, many of which were non-industrial, but which had affected her work. Appellant's mental status examination indicated that appellant was alert and oriented to person, place, and time; she had no memory deficits; her mood seemed somewhat sad and anxious, but she was able to engage well and had no evidence of thought disorder or any symptoms or signs of psychosis. Dr. Marquis noted that no psychological or personality testing was performed. He also related that appellant's statements that following the October 31, 2023 employment incident she started having panic attacks which worsened her preexisting anxiety disorder. Dr. Marquis diagnosed generalized anxiety disorder; many physical problems including a right arm injury history, which had resolved; and moderate psychosocial

difficulties. He found that appellant did not currently suffer from any work-related psychological condition, noting that she had long-term psychiatric and social difficulties which predated her employment injury as confirmed by appellant on examination and interview. Dr. Marquis concluded, however, that appellant sustained a temporary aggravation of her preexisting psychological condition of depression and anxiety when her arm was grabbed by her supervisor on October 31, 2023. He further found that she had returned to her baseline, pre-work injury status and that appellant did not have symptoms of the intensity that would lead to a diagnosis of PTSD.

By notice dated October 21, 2024, OWCP advised appellant that it proposed to terminate her wage-loss compensation and medical benefits. It afforded her 30 days to submit additional evidence or argument challenging the proposed termination.

In a letter dated November 20, 2024, appellant, through counsel, asserted that termination would be improper as appellant continued to suffer from consequential PTSD, depression, and aggravated anxiety.

By decision dated June 12, 2025, OWCP terminated appellant's wage-loss compensation and medical benefits, effective that date. It found that the opinion of Dr. Makda constituted the weight of the medical opinion evidence with regard to appellant's right forearm contusion as it established that appellant no longer had disability or residuals causally related to the accepted October 31, 2023 employment injury. OWCP further accepted a temporary aggravation of appellant's preexisting anxiety and depression, resolved as of that date, based the opinion of Dr. Marquis.

On July 11, 2025 appellant, through counsel, requested a review of the written record and submitted evidence.

In an August 15, 2024 report, Dr. Hines noted that appellant had a history of anxiety and breakthrough acute panic attacks. He related the history of the October 31, 2023 incident, during which she experienced a panic attack after a confrontation with her supervisor. Dr. Hines advised that appellant would still benefit from work schedule accommodations and flexibility for time off in case of acute flare-ups and to attend medical appointments.

In an August 8, 2025 psychological evaluation, Patricia J. Andrise, Ph.D. and clinical psychologist, reviewed appellant's medical records and her description of the October 31, 2023 employment injury. She noted that appellant recounted that on October 31, 2023 her supervisor yelled at her and started an argument regarding her work behavior, which resulted in her feeling overwhelmed and having an anxiety attack. Appellant's supervisor physically blocked her attempt to leave the office by grabbing her arm. Appellant stated that she contacted the police and filed a complaint. Dr. Andrise diagnosed PTSD and discussed the criteria for the diagnosis. She explained how appellant met the criteria for PTSD. Dr. Andrise explained that appellant's preexisting anxiety and depressive symptoms began in childhood and persisted into adulthood, making her more vulnerable to emotional reactions to future events. She concluded that the emotional and physical events of October 31, 2023, including a heated argument with her supervisor and a sudden physical altercation, aggravated appellant's psychological symptoms by increasing her anxiety and fear. These events led appellant to feel unsafe at her workplace, as she perceived her supervisor's actions as threatening, which intensified her anxiety and caused a panic

attack. Dr. Andrise disagreed with Dr. Marquis' conclusion that appellant had returned to her usual health status, noting that appellant's symptoms had been worsened by the accepted incident.

By decision dated November 3, 2025, OWCP's hearing representative affirmed the June 12, 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 an employee's benefits.[4] After it has determined that, an employee has disability causally related to his or her federal employment, OWCP may not terminate compensation without establishing that the disability has ceased or that it is no longer related to the employment.[5] Its burden of proof includes the necessity of furnishing rationalized medical opinion evidence based on a proper factual and medical background.[6]

The right to medical benefits for an accepted condition is not limited to the period of entitlement for disability compensation.[7] To terminate authorization for medical treatment, OWCP must establish that appellant no longer has residuals of an employment-related condition which require further medical treatment.[8]

ANALYSIS -- ISSUE 1

The Board finds that OWCP met its burden of proof to terminate appellant's wage-loss compensation and medical benefits, effective June 12, 2025, as she no longer had disability or residuals causally related to her accepted employment injury.

In his July 18, 2024 report, Dr. Makda, OWCP's second opinion physician with regard to appellant's diagnosed physical condition, noted a history of the accepted October 31, 2023 employment injury, discussed her physical examination findings, and reviewed her medical records. He opined that appellant's accepted right forearm contusion had resolved. Dr. Makda noted normal findings on physical examination of appellant's right forearm, with full range of motion, no tenderness on palpation, and a negative Finkelstein test. He also noted appellant's statements that she had no right forearm pain or discomfort.

[4] *L.G.,* Docket No. 26-0045 (issued April 10, 2026); *R.G.,* Docket No. 22-0165 (issued August 11, 2022); *D.G.,* Docket No. 19-1259 (issued January 29, 2020); *S.F.,* 59 ECAB 642 (2008); *Kelly Y. Simpson,* 57 ECAB 197 (2005); *Paul L. Stewart,* 54 ECAB 824 (2003).

[5] *See L.G.*, *id.*; *R.P.,* Docket No. 17-1133 (issued January 18, 2018); *Jason C. Armstrong,* 40 ECAB 907 (1989); *Charles E. Minnis,* 40 ECAB 708 (1989); *Vivien L. Minor,* 37 ECAB 541 (1986).

[6] *L.G.*, *id.*; *R.L.,* Docket No. 22-1175 (issued May 11, 2023); *M.C.,* Docket No. 18-1374 (issued April 23, 2019); *Del K. Rykert,* 40 ECAB 284, 295-96 (1988).

[7] *L.G.*, *id.*; *P.K.,* Docket No. 22-1345 (issued June 28, 2023); *A.G.,* Docket No. 19-0220 (issued August 1, 2019); *T.P.,* 58 ECAB 524 (2007); *Kathryn E. Demarsh,* 56 ECAB 677 (2005); *Furman G. Peake,* 41 ECAB 361, 364 (1990).

[8] *See L.G.*, *id.*; *A.G., id.*; *James F. Weikel*, 54 ECAB 660 (2003); *Pamela K. Guesford,* 53 ECAB 727 (2002).

In his September 11, 2024 report, Dr. Marquis, OWCP's second opinion physician with regard to appellant's diagnosed emotional conditions, opined that appellant did not currently suffer from any work-related emotional condition, noting that she had sustained a temporary aggravation of her preexisting emotional condition when her arm had been grabbed by her supervisor on October 31, 2023. He further found that she had returned to her baseline, pre-work injury status and there was no evidence supporting a diagnosis of PTSD.

Drs. Makda and Marquis provided a well-rationalized opinion based on an accurate factual and medical history and detailed findings on examination.[9] Thus, their opinions represent the weight of the medical evidence in finding that appellant's accepted employment-related conditions had resolved.[10]

Accordingly, the Board finds that OWCP met its burden of proof to terminate appellant's wage-loss and medical benefits, effective June 12, 2025.

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 injury.[11] 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.[12]

FECA provides that if there is disagreement between an OWCP-designated physician and the employee's physician, OWCP shall appoint a third physician who shall make an examination.[13] For a conflict to arise the opposing physicians' viewpoints must be of virtually equal weight and rationale.[14] Where OWCP has referred the case to an IME to resolve a conflict in the medical

[9] *See T.W.*, Docket No. 26-0237 (issued July 17, 2026); *M.T.,* Docket No. 25-0305 (issued May 7, 2025); *I.S.,* Docket No. 25-0093 (issued March 14, 2025); *M.R.,* Docket No. 23-1052 (issued March 5, 2024); *S.V.,* Docket No. 23-0474 (issued August 1, 2023); *J.S.,* Docket No. 22-1388 (issued April 4, 2023); *J.S.,* Docket No. 20-1409 (issued September 1, 2021).

[10] *M.T., id*.; *I.S.*; *id.*; *H.J.,* Docket No. 24-0879 (issued October 29, 2024); *M.H.,* Docket No. 24-0470 (issued July 25, 2024); *R.P.,* Docket No. 20-0891 (issued September 20, 2021); *N.G.,* Docket No. 18-1340 (issued March 6, 2019); *A.F.,* Docket No. 16-0393 (issued June 24, 2016).

[11] *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 ECAB282 (2001).

[12] *Id.*

[13] 5 U.S.C. § 8123(a); see 20 C.F.R. § 10.321; *Shirley L. Steib,* 46 ECAB 309, 317 (1994).

[14] *H.B.,* Docket No. 19-0926 (issued September 10, 2020); *D.P.,* Docket No. 23-0374 (issued August 19, 2024); *Darlene R. Kennedy,* 57 ECAB 414, 416 (2006); *James P. Roberts,* 31 ECAB 1010 (1980).

evidence, the opinion of such a specialist, if sufficiently well-reasoned and based upon a proper factual background, must be given special weight.[15]

ANALYSIS -- ISSUE 2

The Board finds that the case is not in posture for decision.

In a report dated September 11, 2024, Dr. Marquis, OWCP's second opinion physician, opined that appellant did not currently suffer from any work-related emotional condition, noting that she had sustained a temporary aggravation of her preexisting emotional condition when her arm had been grabbed by her supervisor on October 31, 2023. He further found that she had returned to her baseline, pre-work injury status and there was no evidence supporting a diagnosis of PTSD.

However, in contrast, on August 8, 2025, Dr. Andrise, appellant's treating clinical psychologist, reviewed appellant's medical records and her description of the October 31, 2023 employment injury. She recounted that appellant's preexisting anxiety and depressive symptoms began in childhood and persisted into adulthood, making her more vulnerable to emotional reactions to future events. Dr. Andrise concluded that the events of October 31, 2023, aggravated appellant's preexisting condition by increasing her anxiety and fear. These events led appellant to feel unsafe at her workplace, as she perceived her supervisor's actions as threatening, which intensified her anxiety. Dr. Andrise disagreed with Dr. Marquis' conclusion that the appellant had returned to her usual health status, noting that appellant's symptoms had been worsened by the accepted incident.

As Dr. Marquis, OWCP's second opinion physician, and Dr. Andrise, appellant's attending physician, disagreed as to whether appellant had continuing disability and/or residuals on or after June 12, 2025 causally related to the accepted employment injury, the Board finds that there is a conflict in the medical opinion evidence. The case must therefore be remanded for referral to an IME, pursuant to 5 U.S.C. § 8123(a). Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.

CONCLUSION

The Board finds that OWCP met its burden of proof to terminate appellant's wage-loss compensation and medical benefits, effective June 12, 2025, causally related to her accepted October 31, 2023 employment injury. The Board further finds that the case is not in posture for decision with regard to continuing disability and/or residuals on or after June 12, 2025, causally related to the accepted October 31, 2023 employment injury.

[15] 20 C.F.R. § 10.321. *See also J.H.,* Docket No. 22-0981 (issued October 30, 2023); *James P. Roberts, id.*; *Gary R. Sieber,* 46 ECAB 215, 225 (1994).

ORDER

IT IS HEREBY ORDERED THAT the November 3, 2025 decision of the Office of Workers' Compensation Programs is affirmed in part and set aside in part.

Issued: September 24, 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