

**United States Department of Labor  
Employees' Compensation Appeals Board**

D.B., Appellant	)	
	)	
and	)	Docket No. 24-0552
	)	Issued: July 31, 2024
U.S. POSTAL SERVICE, KEW GARDEN	)	
HILLS POST OFFICE, Flushing, NY, 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  
PATRICIA H. FITZGERALD, Deputy Chief Judge  
VALERIE D. EVANS-HARRELL, Alternate Judge

**JURISDICTION**

On April 26, 2024 appellant filed a timely appeal from two March 19, 2024 merit decisions of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act<sup>1</sup> (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.<sup>2</sup>

**ISSUES**

The issues are: (1) whether appellant has met her burden of proof to expand the acceptance of her claim to include right hip and lumbar conditions as causally related to the accepted April 7, 2023 employment injury; and (2) whether appellant has met her burden of proof to establish

---

<sup>1</sup> 5 U.S.C. § 8101 *et seq.*

<sup>2</sup> The Board notes that, following the March 19, 2024 decisions, appellant submitted additional evidence to OWCP. However, 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.*

disability from work for the period May 23 through July 21, 2023, causally related to her accepted April 7, 2023 employment injury.

### **FACTUAL HISTORY**

On April 7, 2023 appellant, then a 30-year-old mail processing clerk, filed a traumatic injury claim (Form CA-1) alleging that on April 7, 2023 she injured her right knee when she caught her foot on a plastic ring and fell to the floor, striking her knee on the bottom of a postal container while in the performance of duty. She stopped work on April 7, 2023, and did not return. Appellant was transported to a hospital emergency department by ambulance.

Thereafter, OWCP received April 7, 2023 hospital emergency department discharge instructions noting a diagnosis of acute right knee pain.

In an April 11, 2023 report, Dr. Vijay Chadderwala, an osteopath Board-certified in family medicine, diagnosed low back pain, hip pain, and pain of right knee joint. He held appellant off work for three days.

In a development letter dated April 12, 2023, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence needed and provided a questionnaire for her completion. OWCP afforded appellant 60 days to respond.

OWCP subsequently received an April 7, 2023 report by Rejvi Shaju, a physician assistant, wherein he recounted that appellant presented to the emergency department with right knee pain after she slipped, fell, and struck her knee on the corner of a cart at work that day. Right knee x-rays demonstrated no fracture or dislocation. Soft tissues were unremarkable. Mr. Shaju diagnosed acute right knee pain.

In an April 9, 2023 report, Dr. Camilo Villalobos, Board-certified in family practice, diagnosed right knee sprain, low back pain, and hip pain. He held appellant off work for two days.

In reports dated April 14 and 20, 2023, Michael Fusco, a physician assistant, diagnosed low back pain, hip pain, and right knee pain.

In an April 14, 2023 duty status report (Form CA-17), a physician assistant whose signature is illegible diagnosed right knee and hip pain and noted work restrictions. OWCP also received unsigned treatment summaries dated April 17 and 20, 2023 for right knee, right hip, and low back pain.

In reports dated April 17 and 24, 2023, Dr. Dmitry Ilyevsky, Board-certified in internal medicine and pediatrics, noted the April 7, 2023 employment incident. He diagnosed right knee pain, right hip pain, and lumbar pain. Dr. Ilyevsky held appellant off work through April 27, 2023.

In reports dated April 26 through May 17, 2023, Dr. Gus Katsigiorgis, an osteopath Board-certified in orthopedic surgery, noted the April 7, 2023 employment incident. He recounted appellant's symptoms of clicking and buckling sensations in the right knee with pain radiating into the right thigh. On examination Dr. Katsigiorgis found limited motion of the right knee, right hip,

and lumbar spine, a positive right patellofemoral pain test, and pain with varus stress testing of the right knee.<sup>3</sup> He diagnosed lumbar sprain, lumbar ligament sprain, right hip sprain, right hip contusion, and right knee sprain, rule out tear. In an April 26, 2023 attending physician's report (Form CA-20), Dr. Katsigiorgis answered a question "Yes" indicating that appellant's conditions were caused or aggravated by the April 7, 2023 employment incident. He held appellant off work. In a Form CA-17 dated May 17, 2023, Dr. Katsigiorgis diagnosed lumbar spine sprain, and right hip sprain and continued to hold appellant off work.

On June 23, 2023 OWCP accepted the claim for right knee sprain.

On July 21, 2023 appellant filed a claim for compensation (Form CA-7) for disability from work for the period May 23 through July 21, 2023 due to her accepted April 7, 2023 employment injury.

In an August 1, 2023 development letter, OWCP informed appellant of the deficiencies of her claim for compensation and advised her of the type of medical evidence needed. It afforded her 30 days to respond.

Thereafter, OWCP received a May 1, 2023 magnetic resonance imaging (MRI) scan of the right knee, which demonstrated insertional patellar tendinitis, a May 5, 2023 lumbar MRI scan within normal limits, and a May 10, 2023 MRI scan of the right hip, which demonstrated marrow edema within the proximal femur.

In reports dated August 16, 2023, Dr. Katsigiorgis observed diminished patellar and Achilles reflexes bilaterally, tenderness to palpation of the right hip, right knee, and lumbar spine, and positive right patellofemoral pain. He diagnosed right knee sprain, right hip sprain, and lumbar sprain. Dr. Katsigiorgis opined that the accepted April 7, 2023 employment injury was the competent medical cause, and held appellant off work.

In a September 28, 2023 Form CA-20, Dr. Katsigiorgis opined that appellant was totally disabled from work for the period April 7, 2023 and continuing.

In a November 20, 2023 report, Dr. Katsigiorgis diagnosed right hip sprain, lumbar ligament sprain and right knee sprain. He opined that the accepted April 7, 2023 employment injury was the competent medical cause of appellant's diagnosed conditions, and held her off work.<sup>4</sup>

In a December 12, 2023 report, Dr. Stephen Wade, Board-certified in psychiatry, recounted the accepted April 7, 2023 employment injury. He diagnosed right knee tendinitis, right hip bursitis, lumbago, lumbar sprain, right hip sprain, and right knee sprain. Dr. Wade opined that the accepted April 7, 2023 employment injury was the competent medical cause of appellant's diagnosed conditions, and held her off work.

---

<sup>3</sup> April 26, 2023 x-rays of the right knee, right hip, pelvis, and lumbar spine were negative for fracture or dislocation.

<sup>4</sup> November 20, 2023 weightbearing pelvic x-rays demonstrated right hip higher than left.

In a February 8, 2024 development letter, OWCP informed appellant that the medical evidence indicated her treatment for nonaccepted conditions. It advised her of the additional factual and medical evidence necessary to warrant expansion of the claim and provided a questionnaire for her completion. OWCP afforded appellant 30 days to respond. No additional medical evidence was received within the time allotted.

By decision dated March 19, 2024, OWCP denied expansion of the acceptance of the claim to include a low back or right hip condition causally related to the accepted April 7, 2023 employment injury.

By a separate decision also dated March 19, 2024, OWCP denied appellant's claim for compensation for disability from work for the period May 23 through July 21, 2023, finding that the medical evidence of record was insufficient to establish disability from work for the claimed period causally related to her accepted April 7, 2023 employment injury.

### **LEGAL PRECEDENT -- ISSUE 1**

Where 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.<sup>5</sup>

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.<sup>6</sup> A physician's opinion on whether there is causal relationship between the diagnosed condition and the accepted employment injury must be based on a complete factual and medical background.<sup>7</sup> Additionally, the physician's opinion must be expressed in terms of a reasonable degree of medical certainty, and must be supported by medical rationale, explaining the nature of the relationship between the diagnosed condition and appellant's employment injury.<sup>8</sup>

### **ANALYSIS -- ISSUE 1**

The Board finds that appellant has not met her burden of proof to expand the acceptance of her claim to include right hip and lumbar conditions as causally related to the accepted April 7, 2023 employment injury.

Dr. Villalobos, in his April 9, 2023 report, Dr. Chadderwala, in his April 11, 2023 report, and Dr. Ilyevsky, in his reports dated April 17 and 24, 2023, diagnosed low back pain, hip pain, and pain of right knee joint. However, these physicians did not provide an opinion on causal relationship. The Board has held that medical evidence that does not offer an opinion regarding

---

<sup>5</sup> *K.T.*, Docket No. 19-1718 (issued April 7, 2020); *Jaja K. Asaramo*, 55 ECAB 200, 204 (2004).

<sup>6</sup> *E.M.*, Docket No. 18-1599 (issued March 7, 2019); *Robert G. Morris*, 48 ECAB 238 (1996).

<sup>7</sup> *J.P.*, Docket No. 23-0975 (issued April 25, 2024); *M.V.*, Docket No. 18-0884 (issued December 28, 2018); *Victor J. Woodhams*, 41 ECAB 345 (1989).

<sup>8</sup> *Id.*

the cause of an employee's condition or disability is of no probative value on the issue of causal relationship.<sup>9</sup> These reports are, therefore, insufficient to establish the requested expansion of appellant's claim.

Dr. Katsigiorgis, in reports dated April 26 through August 16, 2023, diagnosed lumbar sprain, lumbar ligament sprain, right hip sprain, right hip contusion, and right knee sprain, rule out tear. He answered the question "Yes" in April 26 and September 28, 2023 Form CA-20 indicating that appellant's clinical findings were caused or aggravated by the April 7, 2023 employment incident. The Board has held that when a physician's opinion on causal relationship consists only of responding "Yes" to a form question, without more by the way of medical rationale, that opinion is of limited probative value and is insufficient to establish causal relationship.<sup>10</sup>

In an August 16 and November 20, 2023 report, Dr. Katsigiorgis, opined that the accepted April 7, 2023 employment injury was the competent medical cause of appellant's diagnosed conditions. However, he did not provide medical rationale supporting his opinion. The Board has held that medical evidence that states a conclusion but does not offer a rationalized medical explanation regarding the cause of an employee's condition is of limited probative value.<sup>11</sup> Therefore, this report is insufficient to establish expansion of the claim.<sup>12</sup>

In a December 12, 2023 report, Dr. Wade recounted a history of the April 7, 2023 employment injury and diagnosed right knee tendinitis, right hip bursitis, lumbago, lumbar sprain, right hip sprain, and right knee sprain. He opined that the accepted April 7, 2023 employment injury was the competent medical cause of appellant's diagnosed conditions. Dr. Wade did not, however, provide medical rationale supporting his opinion. As explained above, the Board has held that medical evidence that states a conclusion but does not offer a rationalized medical explanation regarding the cause of an employee's condition is of limited probative value on the issue of causal relationship.<sup>13</sup> Therefore, this report is insufficient to establish expansion of the claim.<sup>14</sup> This evidence is, therefore, insufficient to establish expansion.

OWCP also received reports from physician assistants. However, the Board has held that medical reports signed solely by a physician assistant are of no probative value, as such healthcare

---

<sup>9</sup> *P.L.*, Docket No. 22-0337 (issued September 9, 2022); *K.F.*, Docket No. 19-1846 (issued November 3, 2020); *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

<sup>10</sup> *D.S.*, Docket No. 22-0323 (issued September 26, 2022); *J.A.*, Docket No. 18-1586 (issued April 9, 2019); *Lillian M. Jones*, 34 ECAB 379, 381 (1982).

<sup>11</sup> *See C.T.*, Docket No. 22-0013 (issued November 22, 2022); *R.B.*, Docket No. 22-0173 (issued July 26, 2022); *A.P.*, Docket No. 20-1668 (issued March 2, 2022); *D.H.*, Docket No. 17-1913 (issued December 13, 2018).

<sup>12</sup> *B.W.*, Docket No. 21-0536 (issued March 6, 2023); *M.M.*, Docket No. 20-1557 (issued November 3, 2021).

<sup>13</sup> *Supra* note 11.

<sup>14</sup> *Supra* note 12.

providers are not considered physicians as defined under FECA and, therefore, are not competent to provide a medical opinion.<sup>15</sup>

OWCP also received imaging studies and diagnostic test results. The Board has held, however, that diagnostic studies, standing alone, lack probative value as they do not address whether the employment factors caused any of the diagnosed conditions.<sup>16</sup> Such reports are therefore insufficient to establish appellant's claim.

Appellant also submitted unsigned medical records. The Board has held that medical evidence containing an illegible signature, or which is unsigned has no probative value, as it is not established that the author is a physician.<sup>17</sup> Therefore, these reports are of no probative value and are insufficient to meet appellant's burden of proof.

As the medical evidence of record is insufficient to establish expansion of the acceptance of her claim, the Board finds that appellant has not met her burden of proof.

### **LEGAL PRECEDENT -- ISSUE 2**

An employee seeking benefits under FECA<sup>18</sup> has the burden of proof to establish the essential elements of his or her claim,<sup>19</sup> including that any disability or specific condition for which compensation is claimed is causally related to the employment injury.<sup>20</sup> For each period of disability claimed, the employee has the burden of proof to establish that he or she was disabled from work as a result of the accepted employment injury.<sup>21</sup> Whether a particular injury causes an

---

<sup>15</sup> Section 8101(2) of FECA 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 also* Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.805.3a (January 2013); *C.G.*, Docket No. 20-0957 (issued January 27, 2021) (physician assistants are not considered physicians as defined under FECA); *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).

<sup>16</sup> *D.F.*, Docket No. 24-0078 (issued April 24, 2024); *F.D.*, Docket No. 19-0932 (issued October 3, 2019).

<sup>17</sup> *See C.C.*, Docket No. 23-1006 (issued December 28, 2023); *T.C.*, Docket No. 21-1123 (issued April 5, 2022); *Z.G.*, Docket No. 19-0967 (issued October 21, 2019); *see R.M.*, 59 ECAB 690 (2008); *Merton J. Sills*, 39 ECAB 572, 575 (1988); *Bradford L. Sullivan*, 33 ECAB 1568 (1982).

<sup>18</sup> *Supra* note 1.

<sup>19</sup> *See L.S.*, Docket No. 18-0264 (issued January 28, 2020); *B.O.*, Docket No. 19-0392 (issued July 12, 2019).

<sup>20</sup> *See S.F.*, Docket No. 20-0347 (issued March 31, 2023); *D.S.*, Docket No. 20-0638 (issued November 17, 2020); *F.H.*, Docket No. 18-0160 (issued August 23, 2019); *C.R.*, Docket No. 18-1805 (issued May 10, 2019); *Kathryn Haggerty*, 45 ECAB 383 (1994); *Elaine Pendleton*, 40 ECAB 1143 (1989).

<sup>21</sup> *T.W.*, Docket No. 19-1286 (issued January 13, 2020).

employee to become disabled from work, and the duration of that disability, are medical issues that must be proven by a preponderance of probative and reliable medical opinion evidence.<sup>22</sup>

Under FECA, the term disability means incapacity, because of an employment injury, to earn the wages that the employee was receiving at the time of injury.<sup>23</sup> Disability is thus not synonymous with physical impairment, which may or may not result in an incapacity to earn wages.<sup>24</sup> 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 the injury, has no disability as that term is used in FECA.<sup>25</sup> 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.<sup>26</sup>

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 appellant, must 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.<sup>27</sup>

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 his or her disability and entitlement to compensation.<sup>28</sup>

### ANALYSIS -- ISSUE 2

The Board finds that appellant has not met her burden of proof to establish disability from work for the period May 23 through July 21, 2023, causally related to her accepted April 7, 2023 employment injury.

Dr. Katsigiorgis opined in reports dated May 17 through August 16, 2023 that appellant was disabled from work. He indicated in a September 28, 2023 Form CA-20 that appellant was totally disabled from work for the period April 7, 2023 and continuing. However, these reports

---

<sup>22</sup> *S.G.*, Docket No. 18-1076 (issued April 11, 2019); *Fereidoon Kharabi*, 52 ECAB 291, 293 (2001).

<sup>23</sup> 20 C.F.R. § 10.5(f); *J.S.*, Docket No. 19-1035 (issued January 24, 2020).

<sup>24</sup> *See L.W.*, Docket No. 17-1685 (issued October 9, 2018).

<sup>25</sup> *See K.H.*, Docket No. 19-1635 (issued March 5, 2020).

<sup>26</sup> *See D.R.*, Docket No. 18-0323 (issued October 2, 2018).

<sup>27</sup> *See S.C.*, Docket No. 24-0202 (issued April 26, 2024); *B.P.*, Docket No. 23-0909 (issued December 27, 2023); *D.W.*, Docket No. 20-1363 (issued September 14, 2021); *Y.S.*, Docket No. 19-1572 (issued March 12, 2020).

<sup>28</sup> *See M.J.*, Docket No. 19-1287 (issued January 13, 2020); *William A. Archer*, 55 ECAB 674 (2004); *Fereidoon Kharabi*, *supra* note 22.

did not provide an opinion on causal relationship. 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.<sup>29</sup> Therefore, these reports are insufficient to establish that appellant was disabled from work during the claimed period due to her accepted employment injury.

As the medical evidence of record is insufficient to establish disability from work during the claimed period due to the accepted employment injury, the Board finds that appellant has not met her burden of proof.<sup>30</sup>

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.

### **CONCLUSION**

The Board finds that appellant has not met her burden of proof to expand the acceptance of her claim to include right hip and lumbar conditions as causally related to the accepted April 7, 2023 employment injury. The Board further finds that appellant has not met her burden of proof to establish disability from work for the period May 23 through July 21, 2023, causally related to her accepted April 7, 2023 employment injury.

---

<sup>29</sup> *Supra* note 10.

<sup>30</sup> *K.K.*, Docket No. 24-0205 (issued April 23, 2024); *K.A.*, Docket No. 17-1718 (issued February 12, 2018).



**ORDER**

**IT IS HEREBY ORDERED THAT** the March 19, 2024 merit decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: July 31, 2024  
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