



OWCP denied the request on March 16, 2009, due to lack of causal relationship. It identified the accepted conditions as bilateral knee contusions and right knee meniscus tear.

On July 2, 2014 appellant filed a notice of recurrence (Form CA-2a). In a development letter dated July 16, 2014, OWCP noted that her claim was for additional medical care for the accepted conditions of bilateral knee contusions and right knee medial meniscus tear.

By decision dated December 4, 2014, OWCP denied appellant's claim for additional medical treatment. It found that the medical evidence of record was of insufficient rationale to establish that she required additional medical treatment due to a worsening of the accepted conditions of bilateral knee contusions and right knee medial meniscus tear.

On July 16, 2018 appellant filed a notice of recurrence (Form CA-2a), noting that she was claiming medical treatment only. In a development letter dated August 15, 2018, OWCP informed her that it had received her CA-2a form regarding a need for additional medical care for your accepted work-related condition of contusion of knee, bilateral. OWCP provided a questionnaire for appellant's completion and requested that she submit additional factual and medical evidence in support of her claim.

Appellant subsequently submitted a completed development questionnaire and additional medical evidence from Dr. Torres.

By decision dated September 17, 2018, OWCP denied appellant's claim for additional medical treatment as she did not establish that the requested treatment was due to a worsening of her "accepted work[-]related conditions, without intervening cause." It noted that her claim was accepted for contusion of knee, bilateral.

The Board, having duly considered the matter, concludes that the case is not in posture for decision. In its March 16, 2009 denial of authorization, OWCP advised Dr. Torres that the accepted conditions were bilateral knee contusions and tear of the meniscus of the right knee. Similarly, in its July 16, 2014 development letter regarding the July 2, 2014 Form CA-2a, it noted the same accepted conditions when apprising her of the necessary evidence to establish her recurrence claim. When it denied that claim on December 4, 2014, OWCP again noted bilateral knee contusions and tear of the meniscus of the right knee as the accepted conditions. It was not until its August 15, 2018 development letter, advising appellant of the necessary evidence to establish her July 16, 2018 Form CA-2a, that OWCP failed to note the accepted right knee meniscal tear condition. OWCP then failed to address the accepted right knee meniscal tear condition in its September 17, 2018 denial.

The Board finds that OWCP's September 17, 2018 decision failed to provide findings fact and a statement of reasons in denying appellant's recurrence claim.<sup>2</sup> OWCP did not discharge its responsibility to set forth findings of fact and a clear statement of reasons explaining the disposition. It did not explain why she had not established a recurrence of the need for medical

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<sup>2</sup> 5 U.S.C. § 8124(a) provides that OWCP shall determine and make a finding of facts and make an award for or against payment of compensation. 20 C.F.R. § 10.126 provides in pertinent part that the final decision of OWCP shall contain findings of fact and a statement of reasons.

treatment due to both of her accepted conditions, so that she could understand the basis for the decision as well as the precise defect and the evidence required to establish the recurrence claim.<sup>3</sup>

The case must be returned to OWCP for a proper decision which includes findings of fact and a clear and precise statement regarding denial of appellant's claim for a recurrence of the need for medical treatment. Following this and such further development as OWCP deems necessary, it shall issue a *de novo* decision.

**IT IS HEREBY ORDERED THAT** the September 17, 2018 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further proceedings consistent with this order of the Board.

Issued: July 3, 2019  
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

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<sup>3</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *Disallowances*, Chapter 2.1400.5(c) (February 2013).