

In a development letter dated May 15, 2019, OWCP informed appellant that the evidence of record was insufficient to establish her claim. It advised her of the type of factual and medical evidence needed and provided a questionnaire for her completion. In a separate development letter of even date, OWCP requested additional information from the employing establishment including comments from a knowledgeable supervisor as well as witness statements or corroborating documents. It afforded both parties 30 days to respond. No response was received.

By decision dated July 2, 2019, OWCP denied appellant's occupational disease claim, finding that the alleged factors of her federal employment had not been established. Specifically, it explained that she had only provided vague and general information regarding her claim without supporting evidence or specific examples. OWCP, therefore, concluded that the requirements had not been met to establish an injury as defined by FECA.

In a letter dated June 30, 2020, received on July 2, 2020, appellant responded to OWCP's development questionnaire. She clarified that she had a stress-related condition, which involved both physical and mental symptoms. Appellant noted that when she was promoted to a contracting officer, she had no assistant and was given sole responsibility over a nursing home and adult day health care. She indicated that no other contracting officer had such a heavy workload and that she had to perform full-time duties as a receptionist in addition to her regular job duties. Appellant reported that she was exposed to a stressful, hostile work environment in which she regularly worked 50- to 60-hour workweeks. She alleged that on September 29, 2017 her supervisor directed her to sign procurement documents obligating government funds, then subsequently advised her that the documents should not have been signed. Appellant asserted that after being promoted on March 18, 2018, she was assigned different duties than other individuals were not expected to perform. She noted that on many occasions, P.B., her supervisor, spoke to her in an aggressive and disrespectful manner. Appellant alleged that P.B. assigned her extra work and gave her negative evaluations if the work was not completed. She indicated that she filed a formal complaint and requested a transfer, which was denied. Appellant reported feeling consistently humiliated, belittled, and overworked because of P.B.'s actions toward her. She advised that the director of the employing establishment suspended her in September 2019 because she had not been performing her work. Appellant asserted that she provided the director with a spreadsheet and signed documentation, showing that she had in fact been completing her work. She reported that the director refused to rescind her suspension. Appellant noted that she had filed Equal Employment Opportunity (EEO) complaints, U.S. Office of Special Counsel (OSC) complaints, and multiple union grievances. She indicated that she had no stress outside her federal employment and first became aware of her condition on March 6, 2019. Appellant described physical symptoms of neuropathy, pain and pressure in her head, shingles and rashes on her head, scalp, and neck, impaired hearing, pain in her eyes, ears, throat, neck, and jaw, paresthesia, bruxism, trembling in her jaw, disrupted breathing, insomnia, exhaustion, fatigue, tremulousness, tachycardia, weight gain, overeating, anorexia, and nausea. She also described mental symptoms of inability to take action, low motivation, difficulty focusing, irritability, nervousness, panic, avoidance, confusion, loss of interest, increased anxiety and depression, extreme stress, hopelessness, and inability to complete housework. Appellant indicated that her symptoms were exacerbated by stress, deadlines, interpersonal interactions, and financial concerns.

On July 3, 2020 appellant formally requested reconsideration and submitted additional factual and medical evidence.

By decision dated July 23, 2020, OWCP denied appellant's request for reconsideration, finding that it was untimely filed and failed to demonstrate clear evidence of error.

The Board, having duly considered the matter, finds that OWCP improperly determined that appellant's request for reconsideration was untimely filed.

The case record contains a June 30, 2020 letter, received by OWCP on July 2, 2020, in which appellant specifically addressed the deficiencies noted in OWCP's July 2, 2019 decision. She also submitted additional factual and medical evidence.

Although appellant's June 30, 2020 letter does not mention the word reconsideration, the Board has found that there may be a request for reconsideration in situations where a letter does not contain the word reconsideration.² No special form is required as long as the request is made in writing, identifies the decision and specific issue to be considered, and is accompanied by relevant and pertinent new evidence not previously considered.³ The word reconsideration does not need to be stated in the request for it to be considered valid, but sufficient detail should be provided to discern the decision being contested.⁴

Appellant explicitly responded to the deficiencies in her claim as noted in OWCP's July 2, 2019 decision. In this regard, she clarified that she had a stress-related condition, which involved both physical and mental symptoms. Appellant described several instances in which, following her promotion to a contract specialist, she had no assistant and was performing different duties that no one else in that capacity was required to perform. Additionally, she described being ridiculed, working in a hostile environment, and receiving less than satisfactory performance appraisals due to her inability to timely perform the different duties. Appellant also described the toll that her working environment had taken on her physically. Thus, the Board finds that her June 30, 2020 letter, received by OWCP on July 2, 2020, which was followed by the submission of medical evidence, constituted a timely request for reconsideration.⁵

As appellant filed a request for reconsideration within one year of the July 2, 2019 OWCP decision, the Board finds that OWCP improperly denied her reconsideration request by applying the legal standard for cases where reconsideration is requested after more than one year has elapsed. OWCP should have applied the standard reserved for timely reconsideration requests as set forth in 20 C.F.R. § 10.606(b)(3).⁶ Since it erroneously reviewed the evidence submitted in

² *M.W.*, Docket No. 21-0841 (issued October 26, 2021); *P.S.*, Docket No. 20-1192 (issued July 20, 2021); *E.S.*, Docket No. 17-0698 (issued July 14, 2017); *Jack D. Johnson*, 57 ECAB 593 (2006); *Vicente P. Taimanglo*, 45 ECAB 504 (1994).

³ *Id.*

⁴ *Id.*; see also *M.H.*, Docket No. 14-1389 (issued October 22, 2014).

⁵ See *supra* note 2; see also *C.M.*, Docket No. 11-1988 (issued June 6, 2012).

⁶ 20 C.F.R. § 10.606(b)(3) of OWCP's regulations provide that a request for reconsideration must be in writing and set forth arguments and contain evidence that either: (1) shows that OWCP erroneously applied or interpreted a specific point of law; (2) advances a relevant legal argument not previously considered by OWCP; or (3) constitutes relevant and pertinent new evidence not previously considered by OWCP.

support of appellant's reconsideration request under the more stringent clear evidence of error standard, the Board will remand the case for review of this evidence under the proper standard of review for a timely reconsideration request.⁷ Accordingly,

IT IS HEREBY ORDERED THAT the July 23, 2020 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: May 13, 2022
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

⁷ *Supra* note 2.