



aware of his conditions and realized their relationship to his federal employment on April 11, 2012. Appellant retired from the employing establishment on April 8, 2013.

By decision dated January 31, 2014, OWCP denied appellant's occupational disease claim, finding that he had not established the implicated factors of his employment; therefore, he had not met the requirements to establish an injury as defined by FECA. On February 21, 2014 appellant requested reconsideration. By decision dated March 18, 2014, OWCP denied reconsideration of the merits of his claim, pursuant to 5 U.S.C. § 8128(a). On April 1, 2014 appellant appealed to the Board. By decision dated September 17, 2014,<sup>3</sup> the Board affirmed these decisions. On December 31, 2014 appellant again requested reconsideration before OWCP. By decision dated February 11, 2015, OWCP denied reconsideration of the merits of his claim, pursuant to 5 U.S.C. § 8128(a). On February 18, 2015 appellant appealed to the Board. By decision dated June 15, 2015,<sup>4</sup> the Board affirmed OWCP's February 11, 2015 decision. On January 28, 2016 appellant again appealed OWCP's February 11, 2015 decision. The Board, by order dated April 11, 2016,<sup>5</sup> dismissed the appeal in Docket No. 16-0534, finding that OWCP had not issued a final adverse decision since the Board affirmed its February 11, 2015 decision. The Board also dismissed appellant's petition for reconsideration of its February 11, 2015 decision issued under Docket No. 15-0795, as untimely filed. On February 22, 2022 appellant requested reconsideration. OWCP, by decision dated June 14, 2022, denied his request for reconsideration, finding that it was untimely filed and failed to demonstrate clear evidence of error.

On April 5, 2023 OWCP received an April 3, 2023 letter, wherein appellant requested reconsideration of the June 14, 2022 decision.

In support of his reconsideration request, appellant submitted additional evidence. In a December 21, 2014 letter, Dr. Roshan Sharma, a Board-certified physiatrist, noted appellant's significant cervical and lumbar spine, eye conditions, and physical restrictions, and opined that appellant was permanently totally disabled from work due to his conditions and restrictions. In a March 25, 2023 prescription, he ordered appellant to medically retire from work.

In a June 15, 2018 report, Dr. Solomon C. Mogbo, an internist, provided range of motion measurements for the elbows, shoulders, hands, wrists, knees, hips, ankles, and feet, and findings on testing of deep tendon reflexes. On February 7, 2023 he reported appellant's vital signs and active conditions, including blind left eye, and current medications.

An October 26, 2020 letter by Caitlin McVoy, an audiologist, noted a history that appellant first noted hearing difficulty after a work incident that caused multiple injuries, and diagnosed left ear hearing loss that was made in her office in April 2019, and indicated that a hearing aid was prescribed at that time. She explained that a hearing aid was prescribed due to a moderate sensorineural hearing loss in his left ear.

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<sup>3</sup> Docket No. 14-1028 (issued September 17, 2014).

<sup>4</sup> Docket No. 15-795 (issued June 15, 2015).

<sup>5</sup> Docket Nos. 16-534 and 15-0795 (issued April 11, 2016).

A November 14, 2022 progress note by Dr. Marco H. Ji, an ophthalmologist, provided assessments of open-angle glaucoma suspect; secondary glaucoma due to combination mechanisms, left, indeterminate stage; retinal detachment, old, total/subtotal, left; and neurotrophic keratopathy, left eye.

A January 31, 2023 after visit summary from Jones Eye Clinic provided diagnoses of vitreous detachment, right; floater vitreous, right; changes in vision; primary hypertension; and retinal detachment, old, total/subtotal, left.

A Notification of Personnel Action (Standard Form (SF) 50-B) dated April 11, 2013, indicated that appellant resigned from the employing establishment due to medical reasons, effective April 8, 2013.

In letters dated October 28, 2013, the Office of Personnel Management informed appellant that his application for disability retirement had been approved because he was found to be disabled from his forklift operator position due to thoracic spine degenerative disc disease and total retinal detachment of the left eye.

By decision dated June 30, 2023, OWCP denied appellant's April 5, 2023 request for reconsideration, finding that it was untimely filed and failed to demonstrate clear evidence of error. It noted, "We reviewed [appellant's] statement dated [April 3, 2023] which includes statements of your employment history and your experience filing a claim. However, the statement does not include any clear explanation or argument of how the [June 15, 2015] decision was in error."

The Board, having duly considered the matter, finds that this case is not in posture for decision.

Section 8124(a) of the Federal Employees' Compensation Act<sup>6</sup> (FECA) and section 10.126 of the implementing regulations<sup>7</sup> require that final decisions of OWCP contain findings of fact and a statement of reasons. The Board has held that the reasoning behind OWCP's evaluation should be clear enough for the reader to understand the precise defect of the claim and the kind of evidence which would overcome it.<sup>8</sup> The Board finds that OWCP's June 30, 2023 decision is incomplete as it did not make any findings regarding the medical and factual evidence appellant submitted.<sup>9</sup> Because the June 30, 2023 decision does not fully explain the basis for the denial of his request for reconsideration or the findings of fact reached therein, the Board finds that OWCP has not

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<sup>6</sup> 5 U.S.C. § 8124.

<sup>7</sup> 20 C.F.R. § 10.126.

<sup>8</sup> *Order Remanding Case, L.R.*, Docket No. 15-0235 (issued December 21, 2015); *Patrick Michael Duffy*, 43 ECAB 280 (1991); Federal (FECA) Procedure Manual, Part 2 -- Claims, *Disallowances*, Chapter 2.1400.5 (February 2013).

<sup>9</sup> *See Order Remanding Case, R.S.*, Docket No. 23-0038 (issued June 15, 2023); *Order Remanding Case, L.G.*, Docket No. 23-0282 (issued May 26, 2023); *Order Remanding Case, S.G.*, Docket No. 22-1136 (issued January 17, 2023).

fulfilled its responsibility under section 8124 of FECA and section 10.126 of its implementing regulations.<sup>10</sup>

Accordingly, the case must be remanded to OWCP for a proper decision which includes findings of fact, and a clear and precise statement regarding appellant's April 5, 2023 request for reconsideration.<sup>11</sup> Following further development as OWCP deems necessary, it shall issue an appropriate decision.<sup>12</sup> Accordingly,

**IT IS HEREBY ORDERED THAT** the June 30, 2023 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded to OWCP for further proceedings consistent with this order of the Board.

Issued: November 17, 2023  
Washington, DC

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

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

James D. McGinley, Alternate Judge  
Employees' Compensation Appeals Board

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<sup>10</sup> *Order Remanding Case, P.W.*, Docket No. 21-1101 (issued March 30, 2023); *Order Remanding Case, X.F.*, Docket No. 22-0045 (issued April 14, 2023).

<sup>11</sup> *See supra* note 8.

<sup>12</sup> The record reveals that OWCP notified appellant on April 23, 2018 that it would combine the current file, OWCP File No. xxxxxx519, with OWCP File No. xxxxxx252. However, the Board notes that this has not been done.