

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

T.B., Appellant)	
)	
)	
and)	Docket No. 25-0552
)	Issued: August 27, 2025
U.S. POSTAL SERVICE, CARDIIS COLLINS POST OFFICE, Chicago, IL, 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

JANICE B. ASKIN, Judge

VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On May 18, 2025 appellant filed a timely appeal from a March 11, 2025 merit and a May 15, 2025 nonmerit decision of the Office of Workers' Compensation Programs (OWCP).¹ Pursuant to the Federal Employees' Compensation Act² (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

¹ Appellant submitted a timely request for oral argument before the Board. 20 C.F.R. § 501.5(b). Pursuant to the Board's *Rules of Procedure*, oral argument may be held in the discretion of the Board. 20 C.F.R. § 501.5(a). In support of appellant's oral argument request, it was asserted that oral argument should be granted because he did not receive any notification of his hearing and his claim had been erroneously denied. The Board, in exercising its discretion, denies appellant's request for oral argument because the arguments on appeal can adequately be addressed in a decision based on a review of the case record. Oral argument in this appeal would further delay issuance of a Board decision and not serve a useful purpose. As such, the oral argument request is denied, and this decision is based on the case record as submitted to the Board.

² 5 U.S.C. § 8101 *et seq.*

ISSUES

The issues are: (1) whether appellant has met her burden of proof to establish an emotional/stress-related condition in the performance of duty, as alleged; and (2) whether OWCP properly denied appellant's request for reconsideration of the merits of her claim, pursuant to 5 U.S.C. § 8128 (a).

FACTUAL HISTORY

On June 10, 2024 appellant, then a 43-year-old supervisor of customer service operations, filed a traumatic injury claim (Form CA-1) alleging that, on that day, she sustained mental, physical and whole-body stress conditions due to factors of her federal employment, including continued harassment by management. On the reverse side of the form, L.W., manager of customer service operations, controverted the claim, noting there was no statement regarding the events that caused the alleged stressors. Appellant did not stop work.

In a development letter dated June 12, 2024, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of additional factual and medical information needed and provided a questionnaire for her completion. OWCP afforded appellant 60 days to submit the necessary evidence. In a separate development letter of even date, it requested that the employing establishment provide additional information regarding appellant's claim, including comments from a knowledgeable supervisor. It afforded the employing establishment 30 days to provide the requested information.

OWCP subsequently received medical evidence. In a June 14, 2024 attending physician's report (Form CA-20), Dr. Fon-Yei Sun Wu, a family medicine specialist, diagnosed panic attack and anxiety, which he opined arose from job pressure and had aggravated appellant's anxiety and stress conditions. He also opined that she was totally disabled from June 11, 2024. In a disability note of even date, Dr. John C. Wu, a family practitioner, opined that appellant was unable to work since June 11, 2024 due to worsening anxiety and panic attack from job stress.

In a June 14, 2024 letter, the employing establishment challenged the claim. It noted that appellant attributed her emotional condition, in part, to being temporarily transferred from the main computer room within the employing establishment. The employing establishment stated that it was within management's rights to give instructions and reporting status.

In a July 2, 2024 follow-up letter, OWCP advised appellant that it had conducted an interim review and found that the evidence remained insufficient to establish her claim. It noted that she had 60 days from the June 12, 2024 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 July 10, 2024 letter, the employing establishment denied that it had erred or acted abusively in administrative or personnel matters or that it had harassed appellant. It provided a copy of appellant's job description.

In a July 10, 2024 letter, Dr. Jonathan L. Kaplan, a Board-certified psychiatrist, noted appellant had been his patient since December 19, 2022, and that she had been diagnosed with

generalized anxiety disorder and adjustment disorder with depressed mood. Copies of progress reports dated January 30, February 13, April 30, and July 9, 2024 were provided. In the February 13, 2024 report, Dr. Kaplan indicated that at appellant's last visit her medications were increased as she was having uncontrolled anxiety related to work stressors. He opined that significant work stressors have led to a worsening of her previous stable anxiety. In his July 9, 2024 report, Dr. Kaplan noted appellant took "stress leave" from work last month due to ongoing distress at work and difficulty attaining reasonable accommodations, which she indicated were terminated and led to increased anxiety as she was unable to tolerate working in a new environment. He indicated that, even when stress levels are low, appellant has problems with concentration, short-term memory, word finding difficulties, trouble focusing and is easily distracted.

In a July 29, 2024 undated statement, appellant indicated that her rights had been constantly violated since January 28, 2022, when she received her breast cancer diagnosis. She alleged that J.M., the postmaster, and managers L.W. and R.R. were constant harassers and caused her continued stress because of her breast cancer. Appellant indicated that L.E., a manager, allowed her to work remotely after her February 1, 2022 surgery. However, in an April 2022 meeting, J.M. wanted to know why appellant was working remotely and instructed her to report to work in person. Appellant alleged that J.M. asked what her medical condition was and said "you might as well tell me, I'm going to find out anyway." She asserted that the questioning made her uncomfortable and ashamed as it was difficult for her to discuss her cancer diagnosis. In July 2022, appellant was off work for six weeks due to an unrelated surgery. She stated that R.R. had allowed her to work remotely for three weeks and then denied her request for reasonable accommodations. Appellant noted that she did not want to use her leave and that the denial of reasonable accommodations caused hardship. She also alleged that the continuous harassment and the added stress from the managers were unbearable. Appellant stated that she was scheduled for another surgery in December 2022 but filed an Equal Employment Opportunity (EEO) claim on October 3, 2022 as she never received a response from management regarding her reasonable accommodation request. During her time off from her December 2022 surgery, she alleged that L.W., a manager, contacted her and had instructed her to report to work at the Jackson Park Post Office, which she agreed to once she received medical clearance. Appellant alleged that L.W. and R.R. then told the other managers that she had bad attendance, which K.R., manager of Human Resources, had verified. She stated that the fact that she was talked about and penalized for having breast cancer was devastating and hurtful to her. As a result of such comments, appellant ended her detail at that particular post office.

Appellant explained that she then worked as a Formal A Designee on grievances for J.M. While working as Formal A Designee, she alleged that she was not selected for job opportunities in December 2022 and January 2023, which she had applied and interviewed for, as a result of the comments L.W. and R.R. had made about her "bad attendance." She also alleged that in January 2023, she interviewed for a relief supervisor job but was not selected despite the fact she was performing and more than qualified for the position. On January 18, 2024, appellant alleged that R.R. requested that she return her laptop. She indicated that she needed the laptop with her new assignment. Appellant also alleged that despite returning the laptop, J.M. revoked her access. She alleged that she was without work for two weeks until S.M., the acting postmaster, allowed her to use computers in the computer laboratory. Appellant alleged that she had limited access to do her job, and the managers involved never gave her a reason for the change. As a result of the continued discrimination, she indicated that she filed an EEO complaint. In February 2024,

appellant underwent another surgery and S.M. provided reasonable accommodations. During an April 11, 2024 meeting with L.W. and S.M., appellant alleged that L.W. asked what her job duties were and indicated that she needed evidence of her medical condition. She alleged the meeting stressed her out as she was tired of reliving her cancer diagnosis and repeating her medical condition to management. On April 29, 2024, appellant alleged that L.W. told her employees that she was not at work, when she was in a meeting with D.B, the union representative. On May 30, 2024, she related that L.W. came to her cubicle and asked where she was all week, noting that S.M. was looking for her. Appellant denied that S.M. was looking for her. On June 7, 2024, she explained that she called off work due to an emergency and that F.H., also a supervisor at her level, had texted her asking her whereabouts because L.W. wanted her to report to her assigned duty station. Appellant indicated that she did not work for L.W. and alleged the managers were sending her messages and directives through F.H. On June 7, 2024, she alleged that R.R. terminated her reasonable accommodations and, on June 10, 2024, L.W. told her to apply for light duty as she was no longer being accommodated. Appellant alleged that this added to her daily harassment and stressed her out.

OWCP received an undated text message conversation between appellant and F.H., which she alleged demonstrated that L.H., a manager, was removing her from her assignment. A July 6, 2024 e-mail thread from A.L., indicated that appellant submitted grievances on her behalf for the period February 6 through 10, 2024.

In an April 10, 2024 letter, the employing establishment indicated that appellant's discrimination claim initiated on January 12, 2024 had concluded. It found that J.M. was not a selecting official nor did she serve on any review committees for filing of the Customer Service Support Supervisor vacancies and that she did not request that appellant's laptop be taken. The employing establishment also found that R.R., pursuant to a prior EEO settlement, had allowed appellant a detail to the Labor Relations department until December 2022. It noted that while R.R. had extended the detail for an additional six months, he had cancelled the detail when appellant informed him that she was working for the postmaster. R.R. also related that after appellant declined his offer to work for him again in December 2023, he told her to report back to her former assignment and to return the laptop she had been using while performing work for his department. He indicated that this was proper procedure for tracking accountable items and it should have been done once appellant had started working for the postmaster.

A June 26, 2024 letter from the employing establishment requested that Dr. Wu provide a medical update of appellant's current disability status and whether she could return to work with or without restrictions. In an August 12, 2024 note, Dr. Wu advised that appellant has not been able to work since June 11, 2024 due to "return condition and stress condition." He noted that she was under psychotherapy and could return to work on September 20, 2024.

OWCP also received copies of appellant's rejected job applications from 2022, copies of reasonable accommodation requests and related correspondences; and a July 30, 2024 EEO acceptance for investigation with related documents.

In letters dated October 1 and November 14, 2024, OWCP requested additional information from appellant and the employing establishment, respectively.

In response, OWCP received a January 8, 2024 e-mail, from L.W which indicated that appellant had been on detail for approximately four years in the Labor Relations department as an approved reasonable accommodation assignment. Appellant's case was closed on November 30, 2023 and she was detailed as a Formal A Representative. L.W. stated that all Formal A Representatives were assigned to work under R.R. and appellant had informed leadership that she did not want the detail assignment. She further stated that, based on appellant's November 27, 2023 medical documentation, appellant still had medical concerns and that Formal A (2nd Floor) was a less stressful environment and a low stress small station.

In a January 19, 2024 email thread between R.R. and appellant regarding the return of her assigned laptop while on detail to Labor Relations, R.R. requested that appellant return the laptop as her detail ended the next day. Appellant noted that she had not been detailed to Labor Relations for over a year, but she needed to continue to use the laptop with her new assignment.

OWCP also received additional letters pertaining to appellant's job applications and vacancy announcements; correspondence regarding her reasonable accommodation, including informational letters requesting medical evidence and meetings; a January 11, 2024 letter from the employing establishment requesting medical documentation; and additional medical evidence regarding the treatment side-effects related to her cancer diagnosis and generalized anxiety disorder, including a January 19, 2024 medical report from Dr. Yasmin Asvat, a licensed clinical psychologist, and an April 11, 2024 note from Sarah Anzevino, a nurse practitioner.

OWCP also received evidence pertaining to appellant's EEO investigation. This included a letter from the employing establishment explaining why her reasonable accommodation with Labor Relations was terminated, the instruction to report to her duty station effective June 11, 2024 and to apply for light duty until her reasonable accommodation request was approved; and an Absent Without Leave (AWOL) charge for June 7, 2024. Also included was an October 4, 2024 EEO investigation affidavit, in which L.W. indicated that appellant did not have a reasonable accommodation on June 10, 2024.

In a March 4, 2025 letter, the employing establishment indicated that it had been advised by the EEO department that there was no settlement agreement in appellant's EEO case.

By decision dated March 11, 2025, OWCP denied appellant's emotional/stress-related condition claim. It found that she had not established a compensable factor of employment and thus the requirements had not been met to establish an injury as defined by FECA.

On April 29, 2025, appellant requested reconsideration. She submitted a March 26, 2025 narrative statement, wherein she indicated the revocation of her reasonable accommodation on June 10, 2024 had significantly impacted her mental and emotional well being. Also submitted were medical reports dated April 16, 2025 by Dr. Asvat and April 28, 2025 by Dr. Kaplan.

By decision dated May 15, 2025, OWCP denied appellant's request for reconsideration of the merits of her claim, pursuant to 5 U.S.C. § 8128(a).

LEGAL PRECEDENT -- ISSUE 1

An employee seeking benefits under FECA³ has the burden of proof to establish the essential elements of his or her claim,⁴ including that the individual is an employee of the United States within the meaning of FECA, that the claim was timely filed within the applicable time limitation of FECA,⁵ that he or she sustained an injury in the performance of duty, and that any specific condition or disability from work for which he or she claims compensation is causally related to that employment injury.⁶ These are the essential elements of each and every compensation claim, regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁷

To establish an emotional condition in the performance of duty, a claimant must submit (1) factual evidence identifying an employment factor or incident alleged to have caused or contributed to his or her claimed emotional condition; (2) medical evidence establishing that he or she has a diagnosed emotional or psychiatric disorder; and (3) rationalized medical opinion evidence establishing that the accepted compensable employment factors are causally related to the diagnosed emotional condition.⁸

Workers' compensation law does not apply to each and every injury or illness that is somehow related to an employee's employment.⁹ There are situations where an injury or an illness has some connection with the employment, but nevertheless does not come within the concept or coverage of workers' compensation. Where the disability results from an employee's emotional reaction to his or her regular or specially assigned duties or to a requirement imposed by the employment, the disability comes within the coverage of FECA.¹⁰ On the other hand, the disability is not covered when it results from such factors as an employee's fear of a reduction-in-force, or

³ *Id.*

⁴ *H.S.*, Docket No. 24-0926 (issued January 10, 2025); *B.K.*, Docket No. 23-0902 (issued November 29, 2023); *L.G.*, Docket No. 21-0690 (issued December 9, 2021); *S.S.*, Docket No. 19-1021 (issued April 21, 2021); *J.P.*, 59 ECAB 178 (2007); *Joseph M. Whelan*, 20 ECAB 55, 58 (1968).

⁵ *T.B.*, Docket No. 25-0018 (issued November 4, 2024); *S.S.*, Docket No. 19-1021 (issued April 21, 2021); *F.H.*, Docket No. 18-0869 (issued January 29, 2020); *J.P.*, Docket No. 19-0129 (issued December 13, 2019); *Joe D. Cameron*, 41 ECAB 153 (1989).

⁶ *B.K.*, *supra* note 4; *L.G.*, *supra* note 4; *S.S.*, *id.*; *G.T.*, 59 ECAB 447 (2008); *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

⁷ 20 C.F.R. § 10.115(e); *B.K.*, *id.*; *M.K.*, Docket No. 18-1623 (issued April 10, 2019); *T.O.*, Docket No. 18-1012 (issued October 29, 2018); *Michael E. Smith*, 50 ECAB 313 (1999).

⁸ See *B.K.*, *id.*; *S.K.*, Docket No. 18-1648 (issued March 14, 2019); *M.C.*, Docket No. 14-1456 (issued December 24, 2014); *Debbie J. Hobbs*, 43 ECAB 135 (1991); *Donna Faye Cardwell*, 41 ECAB 730 (1990).

⁹ See *B.K.*, *id.*; *L.D.*, 58 ECAB 344 (2007); *Robert Breedon*, 57 ECAB 622 (2006).

¹⁰ See *B.K.*, *id.*; *S.K.*, *supra* note 8; *D.T.*, Docket No. 19-1270 (issued February 4, 2020); *Thomas D. McEuen*, 41 ECAB 387 (1990), *reaff'd on recon.*, 42 ECAB 556 (1991).

his or her frustration from not being permitted to work in a particular environment, or to hold a particular position.¹¹

Administrative and personnel matters, although generally related to the employee's employment, are administrative functions of the employer rather than the regular or specially assigned work duties of the employee and are not covered under FECA.¹² Where, however, the evidence demonstrates that the employing establishment either erred or acted abusively in discharging its administrative or personnel responsibilities, such action will be considered a compensable employment factor.¹³

For harassment or discrimination to give rise to a compensable disability under FECA, there must be probative and reliable evidence that harassment or discrimination did in fact occur.¹⁴ Mere perceptions of harassment are not compensable under FECA.¹⁵ A claimant must substantiate allegations of harassment or discrimination with probative and reliable evidence.¹⁶ Unsubstantiated allegations of harassment or discrimination are not determinative of whether such harassment or discrimination occurred.¹⁷

ANALYSIS -- ISSUE 1

The Board finds that appellant has not met her burden of proof to establish an emotional/stress-related condition in the performance of duty, as alleged.

Appellant has not attributed her emotional/stress-related conditions to the performance of her regularly or specially assigned duties under *Cutler*.¹⁸ Rather, she has alleged that her conditions were the result of administrative actions taken by her managers/supervisor under *McEuen*.¹⁹

Appellant alleged that on January 18, 2024 she was working as a Formal A designee on grievances for J.M. when R.R. requested that she return her laptop. In its April 10, 2024 letter, the employing establishment indicated that R.R. had cancelled the extension of her detail to the Labor Relation department after she informed him that she was working for J.M. R.R. also stated that in

¹¹ See *B.K.*, *id.*; *Gregorio E. Conde*, 52 ECAB 410 (2001).

¹² See *R.M.*, Docket No. 19-1088 (issued November 17, 2020); *Thomas D. McEuen*, *supra* note 10.

¹³ *L.R.*, Docket No. 23-0925 (issued June 20, 2024); *M.A.*, Docket No. 19-1017 (issued December 4, 2019).

¹⁴ *A.F.*, Docket No. 24-0952 (issued December 13, 2024); *S.B.*, Docket No. 18-1113 (issued February 21, 2019).

¹⁵ *Id.*

¹⁶ See *S.G.*, Docket No. 22-0495 (issued November 4, 2022); *J.F.*, 59 ECAB 331 (2008); *Robert Breeden*, *supra* note 9.

¹⁷ *A.F.*, *supra* note 14; *S.G.*, *id.*; *T.Y.*, Docket No. 19-0654 (issued November 5, 2019); *G.S.*, Docket No. 09-0764 (issued December 18, 2009); *Ronald K. Jablonski*, 56 ECAB 616 (2005); *Penelope C. Owens*, 54 ECAB 684 (2003).

¹⁸ See *S.K.*, *supra* note 8; *D.T.*, *supra* note 10; *Thomas D. McEuen*, *supra* note 10; *Trudy A. Scott*, 52 ECAB 309 (2001); *Lillian Cutler*, 28 ECAB 125 (1976).

¹⁹ *Supra* note 10.

December 2023, after appellant had declined his offer to work for him again, he told her to return the laptop she had been using while performing work for his department, which was the proper procedure for tracking accountable items. She acknowledged, in her undated statement and in the January 19, 2024 e-mail thread between her and R.R., that she had not been detailed to Labor Relations for over a year but continued to use the laptop. Appellant has not submitted any evidence to support that R.R. erred or acted unreasonably by requesting the return of a Labor Relations department issued laptop after she ceased working in that department. Thus, she has not established a compensable employment factor with respect to the administrative matter.²⁰

On June 7, 2024 appellant alleged that R.R. had terminated her reasonable accommodations and, on June 10, 2024, L.W. told her to return to her duty station and apply for light-duty work. The manner in which a supervisor exercises his or her discretion falls outside the ambit of FECA. Absent evidence of error or abuse, appellant's mere disagreement or dislike of a managerial action is not compensable.²¹ A review of the evidence from appellant's EEO investigation reveals that R.R. had terminated her reasonable accommodation after she declined to work for Labor Relations, noting that her accommodation was temporary and that she could apply for light-duty work until her reasonable accommodation request could be approved. Evidence of record pertaining to appellant's reasonable accommodation also revealed that the employing establishment had provided appellant several opportunities to provide the requested information for a reasonable accommodation, but she did not provide any evidence within the allotted time, despite additional time provided. Thus, there is no evidence of error or abuse in the employing establishment's termination of her reasonable accommodations or in L.W.'s directive to have appellant report to her form 50 duty station. Thus, she has not established a compensable work factor in this regard.

Appellant also alleged that management committed error and abuse with respect to other administrative/personnel matters. She claimed that J.M. had revoked her computer access although she returned the laptop; managers had bad mouthed her about her attendance which caused her to not be selected for job opportunities in December 2022 and January 2023, including the position of relief supervisor she was already performing; she attended meetings with managers in which she had to discuss her job duties and medical condition; managers had erroneously accused her of not being at work on April 29, and June 7, 2024;²² R.R. had denied her request for reasonable accommodations after allowing her to work remotely for three weeks after her July 2022 surgery; and the employing establishment never responded to her request for reasonable accommodations for her December 2022 surgery. However, with the exception of being marked AWOL for June 7, 2024²³, appellant's allegations were not factually substantiated.²⁴ She presented no corroborating evidence to support her allegations and the record contains strong and persuasive evidence, including the employing establishment's responses, which refute her

²⁰ *C.M.*, Docket No. 25-0092 (issued February 5, 2025); *M.B.*, Docket No. 20-1407 (issued May 25, 2022).

²¹ See *D.C.*, Docket No. 19-0624 (issued December 8, 2020); *M.M.*, Docket No. 19-1850 (issued May 5, 2020).

²² Evidence of record indicates that appellant was marked AWOL for June 7, 2024.

²³ *Id.*

²⁴ *J.F.*, Docket No. 25-0100 (issued January 10, 2025); *L.E.*, Docket No. 22-1302 (issued December 26, 2023); *L.S.*, Docket No. 18-1471 (issued February 26, 2020).

allegations and show no evidence of error or abuse with regard to administrative/personnel matters.²⁵ Accordingly, the Board finds that appellant has not submitted evidence to factually corroborate these allegations.

Regarding appellant's allegations of harassment by the managers with regard to her cancer diagnosis, work duties and the need for medical documentation regarding her medical condition and disability, the Board finds that her allegations were unsubstantiated, and therefore insufficient to establish compensable employment factors.²⁶ The Board finds that appellant did not submit any witness statements or other corroborative evidence demonstrating that the alleged harassment and/or discrimination occurred as alleged for any of her allegations.²⁷ As noted above, mere perceptions of harassment are not compensable under FECA, a claimant must substantiate allegations of harassment or discrimination with probative and reliable evidence, and unsubstantiated allegations of harassment or discrimination are not determinative of whether such harassment or discrimination occurred.²⁸ Thus, the Board finds that appellant has not submitted probative and reliable evidence that retaliation, harassment, and/or discrimination did in fact occur.²⁹

Accordingly, the Board finds that appellant has not established a compensable employment factor under FECA. Thus, appellant has not met her burden of proof to establish an emotional/stress-related condition in the performance of duty.³⁰

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.

LEGAL PRECEDENT -- ISSUE 2

Section 8128 (a) of FECA vests OWCP with discretionary authority to determine whether to review an award for or against compensation. The Secretary of Labor may review an award for or against compensation at any time on his or her own motion or on application.³¹

To require OWCP to reopen a case for merit review pursuant to FECA, the claimant must provide evidence or an argument which: (1) shows that OWCP erroneously applied or interpreted a specific point of law; (2) advances a relevant legal argument not previously considered by

²⁵ *J.F., id.; L.R.*, Docket No. 23-0925 (issued June 20, 2024); *M.A.*, Docket No. 19-1017 (issued December 4, 2019).

²⁶ See generally *E.C.*, Docket No. 25-0376 (issued April 21, 2025); *E.F.*, Docket No. 24-0727 (issued October 25, 2024); *T.G.*, Docket No. 19-1668 (issued December 7, 2020).

²⁷ See *E.C., id.; B.S.*, Docket No. 19-0378 (issued July 10, 2019).

²⁸ *Supra* note 24.

²⁹ *Id.*

³⁰ See *E.C., supra* note 26; *E.M.*, Docket No. 19-0156 (issued May 23, 2019); *D.C.*, Docket No. 18-0082 (issued July 12, 2018); *L.S.*, Docket No. 16-0769 (issued July 11, 2016); *D.D.*, 57 ECAB 734 (2006).

³¹ 5 U.S.C. § 8128(a); see *M.S.*, Docket No. 19-1001 (issued December 9, 2019); *L.D.*, Docket No. 18-1468 (issued February 11, 2019); see also *V.P.*, Docket No. 17-1287 (issued October 10, 2017); *W.C.*, 59 ECAB 372 (2008).

OWCP; or (3) constitutes relevant and pertinent new evidence not previously considered by OWCP.³²

A request for reconsideration must be received by OWCP within one year of the date of OWCP's decision for which review is sought.³³ If it chooses to grant reconsideration, it reopens and reviews the case on its merits.³⁴ If the request is timely, but fails to meet at least one of the requirements for reconsideration, OWCP will deny the request for reconsideration without reopening the case for review on the merits.³⁵

ANALYSIS -- ISSUE 2

The Board finds that OWCP properly denied appellant's request for reconsideration of the merits of her claim, pursuant to 5 U.S.C. § 8128(a).

With her request for reconsideration, appellant provided a statement wherein she reiterated previous contentions to support her emotional condition claim. Her reconsideration request does not advance a new legal argument not previously considered, nor does it show that OWCP erroneously applied or interpreted a specific point of law. Thus, appellant is not entitled to a review of the merits of her claim based on the first and second above-noted requirements under 20 C.F.R. § 10.606(b)(3).³⁶

In support of her request for reconsideration, appellant submitted medical reports dated April 16, 2025 from Dr. Asvat and April 28, 2025 from Dr. Kaplan. While new, this evidence is irrelevant to the underlying issue which is factual in nature.³⁷ Therefore, appellant is not entitled to further review of the merits of her claim based on the third above-noted requirement under 20 C.F.R. § 10.606(b)(3).

The Board, accordingly, finds that appellant has not met any of the requirements under 20 C.F.R. § 10.606(b)(3). Pursuant to 20 C.F.R. § 10.608, OWCP properly denied merit review.

³² 20 C.F.R. § 10.606(b)(3); *see L.D.*, *id.*; *see also K.L.*, Docket No. 17-1479 (issued December 20, 2017); *C.N.*, Docket No. 08-1569 (issued December 9, 2008).

³³ *Id.* at § 10.607(a). The one-year period begins on the next day after the date of the original contested decision. Federal (FECA) Procedure Manual, Part 2 -- Claims, *Reconsiderations*, Chapter 2.1602.4 (September 2020). Timeliness is determined by the document receipt date of the request for reconsideration as indicated by the received date in the Integrated Federal Employees' Compensation System (iFECS). *Id.* at Chapter 2.1602.4b.

³⁴ *Id.* at § 10.608(a); *see also M.S.*, 59 ECAB 231 (2007).

³⁵ *Id.* at § 10.608(b); *M.S.*, Docket No. 19-0291 (issued June 21, 2019); *E.R.*, Docket No. 09-1655 (issued March 18, 2010).

³⁶ *See S.B.*, Docket No. 24-0703 (issued December 13, 2024); *G.Q.*, Docket No. 18-1697 (issued March 21, 2019); *Alan G. Williams*, 52 ECAB 180 (2000).

³⁷ *S.B.*, *id.*; *D.G.*, Docket No. 22-1367 (issued June 28, 2024); *Norma L. Blank*, 43 ECAB 384, 389-90 (1992). Unless a claimant establishes a compensable factor of employment, it is unnecessary to address the medical evidence of record.

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish an emotional/stress-related condition in the performance of duty, as alleged. The Board also finds that OWCP properly denied appellant's request for reconsideration of the merits of her claim, pursuant to 5 U.S.C. § 8128(a).

ORDER

IT IS HEREBY ORDERED THAT the March 11 and May 15, 2025 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: August 27, 2025
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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