

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

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M.J., Appellant )  
and ) Docket No. 25-0632  
DEPARTMENT OF THE ARMY, U.S. ARMY )  
ACQUISITION SUPPORT CENTER, ) Issued: August 22, 2025  
Redstone Arsenal, AL, Employer )  
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)

*Appearances:*

*Appellant, pro se*

*Office of Solicitor, for the Director*

*Case Submitted on the Record*

**Before:**

ALEC J. KOROMILAS, Chief Judge

PATRICIA H. FITZGERALD, Deputy Chief Judge

VALERIE D. EVANS-HARRELL, Alternate Judge

**JURISDICTION**

On June 2, 2025 appellant filed a timely appeal from a December 11, 2024 merit decision and a March 13, 2025 nonmerit decision of the Office of Workers' Compensation Programs (OWCP).<sup>1</sup> Pursuant to the Federal Employees' Compensation Act<sup>2</sup> (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

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<sup>1</sup> This appeal was received by the Board on June 10, 2025. Under the Board's *Rules of Procedure*, an appeal must be filed within 180 days from the date of the last OWCP decision. An appeal is considered filed upon receipt by the Clerk of the Appellate Boards. *See* 20 C.F.R. § 501.3(e)-(f). One hundred and eighty days from December 11, 2024, the date of OWCP's last merit decision, was June 9, 2025. Since using June 10, 2025, the date the appeal was received by the Clerk of the Appellate Boards, would result in the loss of appeal rights to review the December 11, 2024 merit decision, the date of the postmark is considered the date of filing. 20 C.F.R. § 501.3(f)(1). As appellant's appeal was postmarked June 2, 2025, the appeal is, therefore, timely.

<sup>2</sup> 5 U.S.C. § 8101 *et seq.*

## **ISSUES**

The issues are: (1) whether appellant has met her burden of proof to establish that her bilateral carpal tunnel syndrome is causally related to the accepted factors of her federal employment; 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 September 30, 2024 appellant, then a 62-year-old management and program analyst, filed an occupational disease claim (Form CA-2) alleging that she developed pain, pressure, and throbbing in both hands due to factors of her employment, including typing.<sup>3</sup> She noted that she first became aware of her condition on March 11, 2010, and realized its relation to her federal employment on March 20, 2010. Appellant did not stop work.

In a development letter dated October 11, 2024, OWCP advised appellant that the evidence submitted was insufficient to establish her claim. It informed her of the type of factual and medical evidence required to establish her claim. OWCP afforded appellant 60 days to provide the requested evidence. In a separate development letter of even date, it requested that the employing establishment provide additional information regarding her claim. OWCP afforded the employing establishment 30 days to respond. No additional evidence was received.

In a follow-up development letter dated November 8 2024, OWCP advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish her claim. It noted that she had 60 days from the October 11, 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.

On November 12, 2024 OWCP received a copy of appellant's position description from the employing establishment.

In a report dated November 20, 2024, Dr. Joseph W. Clark, a Board-certified orthopedic surgeon, recounted that appellant was seen approximately four years ago for carpal tunnel syndrome, at that time appellant elected to "live with her condition"; however, it now interfered with her sleep, work, and hobbies. On physical examination he reported positive bilateral carpal tunnel Tinel's sign, positive Phalen's test, three- or four-millimeter point discrimination, and equivocal left cubital tunnel Tinel's sign. A review of a prior nerve test showed positive right carpal tunnel syndrome. He diagnosed bilateral upper limb carpal tunnel syndrome with the right side more symptomatic.

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<sup>3</sup> OWCP assigned the present claim OWCP File No. xxxxxx970. The Board notes that appellant previously filed an occupational disease claim (Form CA-2) on July 16, 2021 alleging she developed carpal tunnel syndrome due to typing on typewriters and computers. OWCP assigned that claim OWCP File No. xxxxxx153.

By decision dated December 11, 2024, OWCP accepted the factors of appellant's federal employment, as alleged; however, the claim remained denied as she had not established that her diagnosed medical condition was causally related to the accepted employment factors.

On March 11, 2025 appellant requested reconsideration, but did not submit any additional evidence or argument.

By decision dated March 13, 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 FECA<sup>4</sup> has the burden of proof to establish the essential elements of his or her claim, including the fact that the individual is an employee of the United States within the meaning of FECA,<sup>5</sup> that the claim was timely filed within the applicable time limitation of FECA, that an injury was sustained in the performance of duty as alleged, and that any disability or medical condition for which compensation is claimed is causally related to the employment injury.<sup>6</sup> 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.<sup>7</sup>

To establish that an injury was sustained in the performance of duty in an occupational disease claim, an employee must submit the following: (1) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; (2) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; and (3) medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the employee.<sup>8</sup>

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.<sup>9</sup> A physician's opinion on whether there is causal relationship between the diagnosed condition and the implicated employment factor(s) must be based on a

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<sup>4</sup> *Supra* note 2.

<sup>5</sup> *E.K.*, Docket No. 22-1130 (issued December 30, 2022); *F.H.*, Docket No. 18-0869 (issued January 29, 2020); *J.P.*, Docket No. 19-0129 (issued April 26, 2019); *Joe D. Cameron*, 41 ECAB 153 (1989).

<sup>6</sup> *K.M.*, Docket No. 24-0752 (issued October 16, 2024); *S.H.*, Docket No. 22-0391 (issued June 29, 2022); *L.C.*, Docket No. 19-1301 (issued January 29, 2020); *J.H.*, Docket No. 18-1637 (issued January 29, 2020); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

<sup>7</sup> *E.H.*, Docket No. 22-0401 (issued June 29, 2022); *P.A.*, Docket No. 18-0559 (issued January 29, 2020); *K.M.*, Docket No. 15-1660 (issued September 16, 2016); *Delores C. Ellyett*, 41 ECAB 992 (1990).

<sup>8</sup> *E.K.*, Docket No. 25-0077 (issued January 21, 2025); *R.G.*, Docket No. 19-0233 (issued July 16, 2019); *see also Roy L. Humphrey*, 57 ECAB 238, 241 (2005); *Ruby I. Fish*, 46 ECAB 276, 279 (1994).

<sup>9</sup> *S.M.*, Docket No. 22-0075 (issued May 6, 2022); *S.S.*, Docket No. 19-0688 (issued January 24, 2020); *A.M.*, Docket No. 18-1748 (issued April 24, 2019); *Robert G. Morris*, 48 ECAB 238 (1996).

complete factual and medical background.<sup>10</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 specific employment factor(s).<sup>11</sup>

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

The Board finds that appellant has not met her burden of proof to establish bilateral carpal tunnel syndrome causally related to the accepted factors of her federal employment.

Appellant submitted a report dated November 20, 2024 from Dr. Clark in which he diagnosed bilateral carpal tunnel syndrome. Dr. Clark related that appellant had been seen four years previously for this same diagnosis. His report, however, did not contain an opinion regarding the cause of the diagnosed bilateral carpal tunnel syndrome. The Board has held that medical evidence that does not offer an opinion regarding the cause of an employee's condition is of no probative value on the issue of causal relationship.<sup>12</sup> As such, this evidence is insufficient to establish appellant's claim.

As the medical evidence of record is insufficient to establish causal relationship between appellant's diagnosed medical conditions and the accepted factors of her federal employment, the Board finds that she has not met her burden of proof.

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 does not entitle a claimant to review an OWCP decision as a matter of right.<sup>13</sup> OWCP has discretionary authority in this regard and has imposed certain

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<sup>10</sup> *M.V.*, Docket No. 18-0884 (issued December 28, 2018).

<sup>11</sup> *J.D.*, Docket No. 22-0935 (issued December 16, 2022); *T.L.*, Docket No. 18-0778 (issued January 22, 2020); *Y.S.*, Docket No. 18-0366 (issued January 22, 2020).

<sup>12</sup> *G.M.*, Docket No. 24-0388 (issued May 28, 2024); *C.R.*, Docket No. 23-0330 (issued July 28, 2023); *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

<sup>13</sup> 5 U.S.C. § 8128(a).

limitations in exercising its authority.<sup>14</sup> One such limitation is that the request for reconsideration must be received by OWCP within one year of the date of the decision for which review is sought.<sup>15</sup>

A timely request for reconsideration, including all supporting documents, must 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.<sup>16</sup> When a timely request for reconsideration does not meet at least one of the above-noted requirements, OWCP will deny the request for reconsideration without reopening the case for a review on the merits.<sup>17</sup>

## 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).

Appellant has not alleged or demonstrated that OWCP erroneously applied or interpreted a specific point of law. Moreover, she has not advanced a relevant legal argument not previously considered. Consequently, appellant is not entitled to a review of the merits of her claim based on the first or second above-noted requirements under 20 C.F.R. § 10.606(b)(3).<sup>18</sup>

Appellant also did not submit any relevant and pertinent new evidence with her March 11, 2025 request for reconsideration.<sup>19</sup> Therefore, she is not entitled to further review of the merits of his claim based on the third above-noted requirement under 20 C.F.R. § 10.606(b)(3).<sup>20</sup>

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<sup>14</sup> 20 C.F.R. § 10.607.

<sup>15</sup> *Id.* at § 10.607(a). For merit decisions issued on or after August 29, 2011, a request for reconsideration must be received by OWCP within one year of OWCP's decision for which review is sought. 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.

<sup>16</sup> *Id.* at § 10.606(b)(3); *see R.G.*, Docket No. 25-0390 (issued April 9, 2025); *R.M.*, Docket No. 23-0748 (issued October 30, 2023); *L.F.*, Docket No. 20-1371 (issued March 12, 2021); *B.R.*, Docket No. 19-0372 (issued February 20, 2020).

<sup>17</sup> *Id.* at § 10.608.

<sup>18</sup> *R.G.*, *supra* note 8; *C.B.*, Docket No. 18-1108 (issued January 22, 2019).

<sup>19</sup> *R.G.*, *id.*; *J.K.*, Docket No. 20-0591 (issued August 12, 2020); *A.B.*, Docket No. 17-0301 (issued May 19, 2017).

<sup>20</sup> 20 C.F.R. § 10.606(b)(3); *R.G.*, *id.*; *C.C.*, Docket No. 22-1064 (issued February 14, 2023); *L.W.*, Docket No. 21-0942 (issued May 11, 2022); *see F.H.*, Docket No. 20-0309 (issued January 26, 2021); *T.T.*, Docket No. 19-0319 (issued October 26, 2020); *Alan G. Williams*, 52 ECAB 180 (2000); *Jacqueline M. Nixon-Steward*, 52 ECAB 140 (2000); *Edward Matthew Diekemper*, 31 ECAB 224-25 (1979).

The Board, therefore, finds that appellant has not met any of the requirements of 20 C.F.R. § 10.606(b)(3). Pursuant to 20 C.F.R. § 10.608, OWCP properly denied merit review.<sup>21</sup>

**CONCLUSION**

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 December 11, 2024 and March 13, 2025 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: August 22, 2025  
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

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<sup>21</sup> See *R.G., id.; D.R.*, Docket No. 18-0357 (issued July 2, 2018); *A.K.*, Docket No. 09-2032 (issued August 3, 2010); *M.E.*, 58 ECAB 694 (2007); *Susan A. Filkins*, 57 ECAB 630 (2006).