

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

U.E., Appellant)	
and)	
U.S. POSTAL SERVICE, FOREST PARK POST OFFICE, Forest Park, GA, Employer)	
)	
)	

Appearances:

Appellant, pro se

Office of Solicitor, for the Director

Case Submitted on the Record

**Docket No. 25-0676
Issued: December 30, 2025**

DECISION AND ORDER

Before:

ALEC J. KOROMILAS, Chief Judge

JANICE B. ASKIN, Judge

VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On July 7, 2025 appellant filed a timely appeal from a July 2, 2025 nonmerit decision of the Office of Workers' Compensation Programs (OWCP). As more than 180 days has elapsed from OWCP's last merit decision, dated November 2, 2015, to the filing of this appeal, pursuant to the Federal Employees' Compensation Act¹ (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board lacks jurisdiction over the merits of this case.

ISSUE

The issue is whether OWCP properly denied appellant's request for reconsideration, finding that it was untimely filed and failed to demonstrate clear evidence of error.

FACTUAL HISTORY

On May 26, 2015 appellant, then a 48-year-old carrier technician, filed a traumatic injury claim (Form CA-1) alleging that on May 14, 2015 she sustained anaphylaxis when she was stung

¹ 5 U.S.C. § 8101 *et seq.*

by black hornets while servicing a mailbox on her Morrow, Georgia route while in the performance of duty. She noted that the black hornets had made a nest under the mailbox. Appellant stopped work on May 14, 2015.

In a May 28, 2015 letter, the employing establishment informed appellant that it had not received any medical documentation to support her alleged employment injury or absence from work due to injury. It requested that she submit the necessary medical evidence.

In a development letter dated June 5, 2015, OWCP advised appellant of the deficiencies of her claim. It advised her of the type of additional factual and medical evidence needed and provided a questionnaire for completion. OWCP afforded appellant 30 days to submit the necessary evidence.

OWCP received medical evidence including healthcare provider records from a healthcare facility reflecting that on May 15, 2015 appellant received an epinephrine injection for sequela of a bee sting. Therapy notes dated June 23, 2015 noted appellant's fear of returning to work in her prior position due to continuing fear of bee stings, after being stung on her route two weeks prior.

By decision dated July 9, 2015, OWCP denied appellant's traumatic injury claim, finding that she had not submitted sufficient evidence to establish that the May 14, 2015 incident occurred, as alleged. Therefore, it concluded that the requirements had not been met to establish an injury as defined by FECA.

Subsequently, in an undated narrative statement, appellant recounted that she was stung by a black hornet while servicing a mailbox on her route on May 14, 2015. She related that she called her supervisor, S.V., and informed her about the incident. Appellant thought she would be fine, but about two minutes later she started to uncontrollably itch. She went to a business customer on her route and related the incident. By that time, appellant experienced swelling, had broken out into hives, and turned bright red. The business customer called paramedics and her supervisor to inform them of the seriousness of her condition. Appellant was transported by the Morrow Fire Department on May 14, 2015 to an emergency department where she was treated and observed for five and half hours before her release.

On July 21, 2015 OWCP received emergency department records dated May 14, 2015, reflecting that appellant was seen by Dr. Mboh Elango, Board certified in emergency medicine, for a bee sting with urticaria and allergic reaction, and was treated with an epinephrine injection. The healthcare facility ambulance bill was also received indicating that appellant was transported by the Morrow Fire Department on May 14, 2015.

OWCP received records from the healthcare provider dated May 15 to 19, 2015 indicating that appellant was seen for sequela of a bee sting.

On August 10, 2015 appellant requested reconsideration. She explained that she had not received medical documentation in a timely manner but was now submitting discharge paperwork and the ambulance bill that was sent to her insurance company.

By decision dated November 2, 2015, OWCP denied modification of the July 9, 2015 decision.

In an April 7, 2025 letter, received by OWCP on April 14, 2025, and in an undated narrative statement, appellant contended that her claim was unjustly mishandled and dismissed without proper consideration of the subsequently submitted medical evidence. Appellant again recounted the events of May 14, 2015 when she was attacked by hornets that had built a nest beneath a customer's mailbox.

Appellant submitted additional factual and medical evidence supporting she was stung on May 14, 2015.

Appellant submitted correspondence from the employing establishment, including a September 23, 2015 letter, wherein S.R., a district manager/lead executive, confirming that on May 14, 2015 [appellant] called the station stating she had been stung by bees. Soon after the incident, management made all carriers aware of the hornets' nest in a Safety Talk."

By letters dated May 20 and 23, 2025, appellant again requested that OWCP reopen her claim. In an undated personal impact statement, she contended that since May 14, 2015 she suffered from extreme and persistent depression, anxiety, and post-traumatic stress. Appellant expressed her daily struggle with overwhelming feelings of sadness, isolation, low self-worth, hypervigilance, and dread, and frequent flashbacks of the alleged employment incident leaving her in fear and emotionally triggering events in her call center job.

On June 11, 2025 appellant requested reconsideration. She alleged that OWCP's conclusion she had not established fact of injury was erroneous. Appellant related that on May 14, 2015 she was performing her employment duties when she was attacked by hornets while delivering mail. She explained that she was transported by ambulance to an emergency department for treatment, which was documented by billing records and hospital visit summaries. Appellant also alleged that her claim was properly supported with timely medical documentation and employer verification. Therefore, OWCP either overlooked or failed to fully consider this evidence in denying her claim.

By decision dated July 2, 2025, OWCP denied appellant's June 11, 2025 request for reconsideration, finding that it was untimely filed, and failed to demonstrate clear evidence of error.

LEGAL PRECEDENT

Pursuant to section 8128(a) of FECA, OWCP has the discretion to reopen a case for further merit review.² OWCP's regulations³ establish a one-year time limitation for requesting reconsideration which begins on the date of the original OWCP merit decision. A right to

² 5 U.S.C. § 8128(a); *L.W.*, Docket No. 18-1475 (issued February 7, 2019); *Y.S.*, Docket No. 08-0440 (issued March 16, 2009).

³ 20 C.F.R. § 10.607(a).

reconsideration within one year also accompanies any subsequent merit decision on the issues.⁴ This discretionary authority, however, is subject to certain restrictions. For instance, a request for reconsideration must be received within one year of the date of OWCP's decision for which review is sought. Timeliness is determined by the document receipt date (*i.e.*, the "received date" in OWCP's Integrated Federal Employees' Compensation System (iFECS)).⁵ Imposition of this one-year filing limitation does not constitute an abuse of discretion.⁶

When a request for reconsideration is untimely, OWCP undertakes a limited review to determine whether the request demonstrates clear evidence that OWCP's most recent merit decision was in error.⁷ Its procedures provide that it will reopen a claimant's case for merit review, notwithstanding the one-year filing limitation set forth in 20 C.F.R. § 10.607, if the claimant's request for reconsideration demonstrates "clear evidence of error" on the part of OWCP.⁸

To demonstrate clear evidence of error, a claimant must submit evidence relevant to the issue which was decided by OWCP.⁹ The evidence must be positive, precise, and explicit and must manifest on its face that OWCP committed an error. Evidence which does not raise a substantial question concerning the correctness of OWCP's decision is insufficient to demonstrate clear evidence of error. It is not enough merely to show that the evidence could be construed so as to produce a contrary conclusion. This entails a limited review by OWCP of how the evidence submitted with the reconsideration request bears on the evidence previously of record and whether the new evidence demonstrates clear error on the part of OWCP.¹⁰

OWCP's procedures note that the term clear evidence of error is intended to represent a difficult standard.¹¹ The claimant must present evidence which on its face demonstrates that OWCP made an error. Evidence such as a detailed, well-rationalized medical report which, if submitted before the denial was issued, would have created a conflict in medical opinion requiring further development, is not clear evidence of error.¹² The Board makes an independent

⁴ *E.R.*, Docket No. 21-0423 (issued June 20, 2023); *J.W.*, Docket No. 18-0703 (issued November 14, 2018); *Robert F. Stone*, 57 ECAB 292 (2005).

⁵ Federal(FECA) Procedure Manual, Part 2 -- Claims, *Reconsiderations*, Chapter 2.1602.4 (September 2020).

⁶ *S.S.*, Docket No. 23-0086 (issued May 26, 2023); *G.G.*, Docket No. 18-1074 (issued January 7, 2019); *E.R.*, Docket No. 09-0599 (issued June 3, 2009); *Leon D. Faidley, Jr.*, 41 ECAB 104 (1989).

⁷ See 20 C.F.R. § 10.607(b); *M.H.*, Docket No. 18-0623 (issued October 4, 2018); *Charles J. Prudencio*, 41 ECAB 499 (1990).

⁸ *L.C.*, Docket No. 18-1407 (issued February 14, 2019); *M.L.*, Docket No. 09-0956 (issued April 15, 2010). See also *id.* at § 10.607(b); *supra* note 5 at Chapter 2.1602.5 (September 2020).

⁹ *S.C.*, Docket No. 18-0126 (issued May 14, 2016); *supra* note 5 at Chapter 2.1602.5a (September 2020).

¹⁰ *L.J.*, Docket No. 23-0282 (issued May 26, 2023); *J.M.*, Docket No. 19-1842 (issued April 23, 2020); *Robert G. Burns*, 57 ECAB 657 (2006).

¹¹ *G.G.*, *supra* note 6; see also 20 C.F.R. § 10.607(b); *supra* note 5 at Chapter 2.1602.5 (September 2020).

¹² *J.S.*, Docket No. 16-1240 (issued December 1, 2016); *id.* at Chapter 2.1602.5(a) (September 2020).

determination of whether a claimant has demonstrated clear evidence of error on the part of OWCP.¹³

ANALYSIS

The Board finds that OWCP properly determined that appellant's request for reconsideration was untimely filed.

The last merit decision was issued by OWCP on November 2, 2015 decision. As appellant's request for reconsideration was not received by OWCP until June 11, 2025, more than one year after the November 2, 2015 decision, pursuant to 20 C.F.R. § 10.607(a), the request for reconsideration was untimely filed. Consequently, she must demonstrate clear evidence of error by OWCP in denying the claim.¹⁴

The Board further finds that appellant has demonstrated clear evidence of error on the part of OWCP in its November 2, 2015 decision.¹⁵ The underlying issue is whether appellant has met her burden of proof to establish that the May 14, 2015 employment incident occurred, as alleged.

Appellant initially alleged on her Form CA-1 that on May 14, 2015 she sustained anaphylaxis when she was stung by black hornets while servicing a mailbox on her route in Morrow, Georgia. In an undated narrative statement received July 21, 2015, appellant recounted that she was stung by a black hornet while servicing a mailbox on her route on May 14, 2015. She related that she called her supervisor, S.V., and informed her about the incident. Appellant thought she would be fine, but about two minutes later she started to uncontrollably itch. She went to a business customer on her route and related the incident. By that time, appellant experienced swelling, had broken out into hives, and turned bright red. The business customer called paramedics and her supervisor to inform them of the seriousness of her condition. Appellant was transported by the Morrow Fire Department on May 14, 2015 to an emergency department where she was treated and observed for five and half hours before her release.

Prior to the last merit decision dated November 2, 2015, on July 21, 2015, OWCP received the healthcare facility ambulance bill reflecting that appellant was transported by the Morrow Fire Department on May 14, 2015. On the same date, OWCP also received emergency department records dated May 14, 2015, which documented that appellant was seen by Dr. Elango for a bee sting with urticaria and allergic reaction, and was treated with an epinephrine injection. OWCP also received the healthcare facility records dated from May 15 to 19, 2015 indicating that appellant was seen for sequela of a bee sting.

¹³ *G.B.*, Docket No. 19-1762 (issued March 10, 2020); *D.S.*, Docket No. 17-0407 (issued May 24, 2017); *George C. Vernon*, 54 ECAB 319 (2003).

¹⁴ 20 C.F.R. § 10.607(b); *D.Z.*, Docket No. 25-0422 (issued June 26, 2025); *S.C.*, Docket No. 20-1537 (issued April 14, 2021); *R.T.*, Docket No. 19-0604 (issued September 13, 2019); *see Debra McDavid*, 57 ECAB 149 (2005).

¹⁵ *See S.M.*, Docket No. 18-1499 (issued February 5, 2020) (OWCP will reopen a claimant's case for merit review, notwithstanding the one-year filing limitation, if the claimant's request for reconsideration shows clear evidence of error on the part of OWCP).

The Board finds that appellant has established clear evidence of error in the November 2, 2015 merit decision. The evidence submitted prior to the last merit decision was sufficient to establish that appellant sustained a bee sting while delivering mail on May 14, 2025 in Morrow, Georgia. As such, OWCP abused its discretion in failing to reopen appellant's claim for further merit review.¹⁶ The Board will reverse OWCP's July 2, 2025 decision and remand the case for an appropriate decision on the merits of appellant's claim.

CONCLUSION

The Board finds that appellant has demonstrated clear evidence of error in OWCP's November 2, 2015 merit decision and, thus, OWCP improperly denied her request for reconsideration of the merits of her claim.

ORDER

IT IS HEREBY ORDERED THAT the July 2, 2025 decision of the Office of Workers' Compensation Programs is reversed, and the case is remanded for further proceedings consistent with this decision of the Board.

Issued: December 30, 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

¹⁶ See G.B., Docket No. 21-0800 (issued January 11, 2024); A.B., Docket No. 10-1070 (issued March 8, 2011).