

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

D.B., Appellant)	
)	
and)	Docket No. 25-0903
)	Issued: December 15, 2025
DEPARTMENT OF JUSTICE, FEDERAL)	
BUREAU OF INVESTIGATION,)	
San Antonio, TX, Employer)	
)	

Appearances:

Appellant, pro se

Office of Solicitor, for the Director

Case Submitted on the Record

ORDER REMANDING CASE

Before:

PATRICIA H. FITZGERALD, Deputy Chief Judge

JANICE B. ASKIN, Judge

VALERIE D. EVANS-HARRELL, Alternate Judge

On September 22, 2025, appellant filed a timely appeal from a September 11, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards docketed the appeal as No. 25-0903.¹

On July 1, 2025, appellant, then a 60-year-old intelligence officer, filed an occupational disease claim (Form CA-2) alleging that he developed a nerve injury in his feet due to factors of his federal employment, including wearing directed boots at the employing establishment training facility. He explained that, during his time at the training facility, he also contracted COVID-19 which he believed “messed up [his] system.” Appellant noted that he first became aware of his condition and realized its relationship to his federal employment on December 23, 2021. In an accompanying statement, he recounted that he was required to wear hiking boots during three plus months of training at the training facility. Appellant explained that he began to develop foot pain

¹ The Board notes that following the September 11, 2025 decision, OWCP received additional evidence. However, the Board’s *Rules of Procedure* provides: “The Board’s review of a case is limited to the evidence in the case record that was before OWCP at the time of its final decision. Evidence not before OWCP will not be considered by the Board for the first time on appeal.” 20 C.F.R. § 501.2(c)(1). Thus, the Board is precluded from reviewing this additional evidence for the first time on appeal. *Id.*

due to wearing these boots while ascending and descending stairs and walking on hard concrete. He noted that over-the-counter medical treatment had not helped his foot pain. Appellant further noted that neuropathy could be caused by injury or virus, therefore, the required hiking boots or possibly being exposed to COVID-19 could have caused his condition.

In support of his claim, appellant submitted a June 20, 2025 nerve conduction velocity/electromyography study, which reported an impression of bilateral lower extremity mild sensory axonal neuropathy.

In a development letter dated July 7, 2025, OWCP notified appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence necessary to establish a COVID-19 claim and provided a questionnaire for his completion. It afforded appellant 60 days to submit the necessary evidence. No additional evidence was received.

In a separate development letter also dated July 7, 2025, OWCP requested that the employing establishment provide additional information regarding appellant's claim, including comments from a knowledgeable supervisor regarding the accuracy of his allegations, and information about the reason for the transfer. It afforded the employing establishment 30 days to respond.

In a follow-up letter dated July 29, 2025, OWCP advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish his claim for COVID-19. It noted that he had 60 days from the July 7, 2025 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. No additional evidence was received.

By decision dated September 11, 2025, OWCP denied appellant's occupational disease claim, finding that the evidence of record was insufficient to establish exposure to COVID-19. It concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

The Board finds that this case is not in posture for decision.

OWCP denied appellant's occupational disease claim as he had not established exposure to COVID-19. However, appellant's occupational disease claim alleged that he developed an injury to the nerves in his feet.

FECA² provides that OWCP shall determine and make findings of fact in making an award for or against payment of compensation after considering the claim presented by the employee and after completing such investigation as it considers necessary with respect to the claim.³ The

² 5 U.S.C. § 8101 *et seq.*

³ *Id.* at § 8124(b); 20 C.F.R. § 10.126.

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.⁴

OWCP did not explain its findings with regard to whether the medical evidence or factual evidence of record was sufficient to establish appellant's claim for a bilateral foot nerve injury. The Board therefore finds that OWCP did not discharge its responsibility to set forth findings of fact and a clear statement of reasons explaining the disposition so that appellant could understand the basis for the appropriate subject of the decision, *i.e.*, whether he had met his burden of proof to establish a bilateral foot nerve injury causally related to factors of his federal employment.⁵

The case shall therefore be remanded for OWCP to make findings of fact and provide a statement of reasons for its decision, pursuant to the standard set forth in section 5 U.S.C. § 8124(a) and 20 C.F.R. § 10.126. After any further development as deemed necessary, OWCP shall issue a *de novo* decision. Accordingly,

IT IS HEREBY ORDERED THAT the September 11, 2025 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: December 15, 2025
Washington, DC

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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

⁴ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Disallowances*, Chapter 2.1400.5c (February 2013); *see also* M.N., Docket No. 20-0531 (issued May 7, 2021).

⁵ *Id.* at Chapter 2.1400.5 (February 2013).