

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

T.B., Appellant)	
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)	
and)	Docket No. 25-0421
)	Issued: June 23, 2025
U.S. POSTAL SERVICE, FRISCO CITY POST OFFICE, Frisco City, AL, Employer)	
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)	

Appearances:

Appellant, pro se

Office of Solicitor, for the Director

Case Submitted on the Record

ORDER REMANDING CASE

Before:

ALEC J. KOROMILAS, Chief Judge

JANICE B. ASKIN, Judge

VALERIE D. EVANS-HARRELL, Alternate Judge

On March 24, 2025 appellant filed a timely appeal from a November 7, 2024 nonmerit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 25-0421.¹

On March 27, 2020 appellant, then a 41-year-old rural carrier, filed a traumatic injury claim (Form CA-1) alleging that on March 10, 2020 she sustained a left ankle sprain when removing a tray from inside her vehicle, she lost her footing and twisted her left ankle while in the performance of duty. She stopped work on March 10, 2020. On June 3, 2020 OWCP accepted the claim for left ankle sprain. OWCP paid appellant wage-loss compensation on the supplemental rolls, effective April 10, 2020.

¹ The Board notes that, following the November 7, 2024 decision, appellant submitted additional evidence to OWCP and on appeal to the Board. However, the Board's *Rules of Procedures* 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.*

On March 5, 2021 appellant filed a claim for compensation (Form CA-7) for a schedule award.

By decision dated June 9, 2021, OWCP denied appellant's schedule award claim, finding that the medical evidence of record was insufficient to establish permanent impairment of a scheduled member or function of the body.

On April 18, 2022 appellant requested reconsideration of OWCP's June 9, 2021 decision.

By decision dated August 18, 2022, OWCP denied modification of the June 9, 2021 decision.

On August 15, 2023 appellant requested reconsideration of the August 18, 2022 OWCP decision.

By decision dated August 21, 2023, OWCP denied modification of the August 18, 2022 decision.

On November 4, 2024 appellant requested reconsideration. In an accompanying letter, she reported that she had requested reconsideration in August 2024 and uploaded documents in support of her claim. However, she reported that she did not see those documents in the record and was resubmitting them for consideration.

By decision dated November 7, 2024, OWCP summarily denied appellant's reconsideration request, finding that it was untimely filed and failed to demonstrate clear evidence of error.

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

OWCP summarily denied appellant's request for reconsideration without complying with the review requirements of FECA and its implementing regulations.² Section 8124(a) of FECA provides that OWCP shall determine and make a finding of fact and make an award for or against payment of compensation.³ Its regulations at 20 C.F.R. § 10.126 provide that the decision of the Director of OWCP shall contain findings of fact and a statement of reasons.⁴ As well, OWCP's procedures provide that the reasoning behind OWCP's evaluation should be clear enough for the

² See *Order Remanding Case, J.B.*, Docket No. 24-0760 (issued August 28, 2024); *Order Remanding Case, J.D.*, Docket No. 24-0044 (issued April 22, 2024); *Order Remanding Case, R.G.*, Docket No. 23-0011 (issued June 14, 2023); *Order Remanding Case, C.G.*, Docket No. 20-0051 (issued June 29, 2020); see also 20 C.F.R. § 10.607(b).

³ 5 U.S.C. § 8124(a).

⁴ 20 C.F.R. § 10.126.

reader to understand the precise defect of the claim and the kind of evidence which would overcome it.⁵

In its November 7, 2024 decision, 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 its decision regarding clear evidence of error.

The Board shall therefore set aside OWCP's November 7, 2024 decision and remand the case for an appropriate decision, which describes the evidence submitted and provides detailed reasons for accepting or rejecting the reconsideration request.⁶ Accordingly,

IT IS HEREBY ORDERED THAT the November 7, 2024 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: June 23, 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

⁵ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Disallowances*, Chapter 2.1400.5 (February 2013) (all decisions should contain findings of fact sufficient to identify the benefit being denied and the reason for the disallowance).

⁶ See *Order Remanding Case*, M.B., Docket No. 22-1026 (issued January 25, 2023); *Order Remanding Case*, P.G., Docket No. 17-1461 (issued February 7, 2019); *R.T.*, Docket No. 19-0604 (issued September 13, 2019).