

<sup>2</sup> The Board notes that, following the July 3, 2024 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.*

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

### **FACTUAL HISTORY**

On November 29, 2022 appellant, then a 32-year-old clerk, filed a traumatic injury claim (Form CA-1) alleging that on November 28, 2022 she sustained a stress-related condition while in the performance of duty. She did not stop work.

In a statement accompanying her claim, appellant related that on May 21, 2021 she was erroneously disciplined as a result of false accusations by R.C. and L.P. She asserted that she was discriminated against as a result of a retaliatory action by her employer in order to discourage a protected activity. The union settled a grievance on September 28, 2021 regarding appellant's emergency placement, but the employing establishment did not allow her to return to work until November 2021. When she returned to her usual bid job, it had been given to the same male coworker who had previously received a transfer opportunity that she had grieved. Appellant was granted the transfer as she had more seniority than the coworker. She repeatedly requested a workplace climate survey beginning in June 2022 as she had to work with R.C., the union steward who falsified information. Appellant related that she received both 7- and 14-day suspensions for using leave under an approved Family and Medical Leave Act (FMLA) case and reporting a workplace hazard. Her request for advanced sick leave was denied even though other employees' requests were granted.

In an email dated May 13, 2021, L.P. advised J.B. that appellant was stealing time by blackmailing the postmaster into inputting hours when she was not at work. L.P. maintained that appellant also threatened and intimidated employees. She submitted clock rings and asked for J.B.'s assistance.

Appellant submitted emails regarding her requests for a workplace climate survey.

On May 27, 2022, the employing establishment advised that it had reevaluated appellant's request for reasonable accommodation and determined that reasonable accommodation was not indicated.

On August 2, 2022, appellant received a seven-day suspension for failing to follow instructions and unsatisfactory attendance. The suspension noted that she had used sick leave to attend an event at the fairgrounds.

On October 5, 2022, appellant received a 14-day suspension for unsatisfactory attendance.

In a development letter dated December 8, 2022, OWCP advised appellant of the factual and medical evidence necessary to establish her claim and attached a questionnaire for her completion. It afforded her 30 days to submit the necessary evidence.

Subsequently, OWCP received evidence regarding appellant's grievances and information regarding the status of her Equal Employment Opportunity (EEO) claim. It also received a May 21, 2021 notification from the employing establishment of appellant's placement on off-

duty/non-pay status effective that date as she was “the subject of an ongoing criminal investigation” by the postal inspection service.

In a June 23, 2022 email, appellant requested a workplace climate survey or threat assessment team review. She alleged that she was being bullied for EEO activity.

On October 5, 2022, the employing establishment notified appellant that she would be suspended for 14 days beginning November 5, 2022 for unsatisfactory attendance.

In a December 1, 2022 email, appellant related that she received an anonymous envelope showing that T.N., the postmaster, had imputed time for L.M. and R.C. She indicated that after two months on emergency placement she had informed her union steward that T.M. asserted that L.M. was blackmailing him. Appellant questioned why she was removed for six months without pay as others were blackmailing T.M.

In a December 10, 2022 response to OWCP’s questionnaire, appellant related that she was claiming an occupational disease. She advised that she experienced mental health issues, including anxiety and depression and an exacerbation of preexisting migraines and fibromyalgia, due to harassment and discrimination and her emergency placement off work. Appellant asserted that in 2018 she was bypassed for a transfer to her current work location in favor of S.H., a male employee, even though she was senior bidder. She filed a grievance which was settled in her favor, and she transferred to her current work location in February 2020 as part of the grievance settlement. Within two months of transferring, appellant was disciplined for false accusations. R.C. requested a workplace climate survey because she believed appellant had harassed her. L.P. and J.K. came to the work location for the climate survey. After the survey she was told she was lucky to be permitted to stay. Appellant noted that she had asked for but did not receive a climate survey. She further advised that she was disciplined in August 2020 for being out of uniform even though she was 41.5 weeks’ pregnant and there was no maternity clothing available in her position as a clerk. S.H. and R.C. were also out of uniform but she was the only one threatened with discipline. Appellant filed an EEO complaint that was currently awaiting adjudication.

Appellant advised that when she returned from maternity leave on October 19, 2020, she experienced continued discrimination and harassment when management placed her in a roped off corner of the passport room to breast pump. She noted that she shared the room “with coworkers and the public when they wanted to get a passport. Appellant alleged that coworkers openly screamed across the workroom floor regarding my ‘breasts’” and that a supervisor asked to taste appellant’s breast milk. She complained to upper-level management and was eventually moved to a private room. Appellant found out that L.M. was blackmailing T.N. and being paid for time she did not work; however, T.N. was not removed or put on emergency placement. She noted that the May 21, 2021 emergency placement letter did not cite a specific allegation against her. At a meeting it was alleged that L.M. had blackmailed T.N. with no reason for the blackmail cited. Appellant gave the inspectors texts messages in which T.N. confirmed L.M. and R.C. had information about him and that he was paying L.M. for time she had not worked. On July 28, 2021 she was informed that all charges were being dropped; however, she was not called back to work until November 11, 2021 and did not receive back pay over six months. Appellant filed grievances for missed overtime, lost retirement contributions, and the loss of back pay taken to pay back unemployment. Management placed her on a different shift and bid position when she

returned to work and gave her job to S.H. Appellant filed a grievance that was pending arbitration. She requested reasonable accommodation beginning in December 2021. Since returning from emergency placement, appellant had not been allowed to submit answers to predisciplinary interviews.

On December 10, 2022, appellant submitted an email dated January 3, 2020, where D.M. advised that appellant would be transferred and her seniority date adjusted to satisfy her grievance.

On December 16, 2022, the employing establishment determined that appellant's work restrictions, which included difficulty understanding, taking instruction verbally, carrying out tasks, answering questions, and counting, prevented her from performing her essential functions as a window clerk. It thus denied her reasonable accommodation request.

On December 19, 2022, the employing establishment challenged appellant's claim for continuation of pay (COP). It noted that she had alleged a November 28, 2022 traumatic injury after arriving at work and requesting a workplace climate survey. The employing establishment challenged the finding that she had sustained a traumatic injury. It advised that appellant had been "reporting to work, clocking on, completing a leave slip then clocking out to go home for months."

In a January 4, 2023 statement, the employing establishment maintained that appellant had not sustained an injury during the two hours that she was on the clock on November 28, 2022. It noted that appellant's brother was not at work on that date and thus could not be a witness. The employing establishment advised that a workplace climate survey was not the appropriate corrective action for harassment. It related that an investigation began on July 6, 2022 established that appellant caused workplace issues and stress to other employees. The employing establishment submitted an August 26, 2022 letter advising that based on complaints of harassment and zero tolerance violations, an Initial Management Inquiry Process (IMIP) was conducted from July 6 to August 5, 2022. Twenty-four of twenty-six employees indicated that they did not think the work environment was hostile and did not fear reporting to work. The IMIP found no evidence of improper conduct or harassment.

By decision dated April 10, 2023, OWCP denied appellant's emotional condition claim, which it adjudicated as an occupational disease claim. It found that she had not established the factual component of fact of injury as she provided only vague and general allegations.

Subsequently, OWCP received a statement from appellant asking whether any of the 24 people interviewed had been given time by T.N., and whether any were placed on emergency placement. Appellant advised that she was put out of work for six months due to false allegations and did not feel safe at work.

In an EEO investigative affidavit dated March 29, 2021, W.S., a manager, related that he had visited appellant's work location after she expressed concerns that arrangements provided for her to breast pump were not adequate. He noted that she related that she felt like she was on display in her location in a passport room with "a cordoned off area." W.S. asserted that they decided that the storage room, which was private, was a better location. He denied harassing appellant.

Appellant submitted screen shots of text messages, information regarding grievances, and requests for union time.

On September 28, 2021, the union and management resolved appellant's grievance and agreed that she would be immediately returned to duty and the May 21, 2021 emergency placement "expunged from her records." Appellant would also be made whole by receiving back pay and leave "for the time period she has been on emergency placement until the day she is returned to duty."

In an Equal Employment Opportunity Commission (EEOC) declaration dated May 26, 2022, S.S., a postmaster, related that she heard "disturbing reports" from appellant's work location that the postmaster there, T.N., was paying her for hours that she did not work in exchange for her dropping grievances. S.S. raised these concerns but received no response.

In an EEO investigative affidavit dated May 7, 2021, C.E., a city carrier, related that on October 22, 2020 appellant was upset because when she returned from maternity leave M.M. had roped off a portion of the passport room for her to use her breast pump. C.E. related, "There was a torn-up chair placed next to a small table that had a small refrigerator on it and around this area [were] posts that had rope laced through it. I felt uncomfortable just looking at it and could not imagine how she felt." On December 3, 2020, W.S. advised that the work location had positive COVID-19 cases. A male coworker swore at W.S. while appellant asked calm questions, but W.S. informed only appellant that he was going to discipline her for questioning safety. C.E. maintained that W.S. had "openly discriminated against [appellant] and there were a number of witnesses." Appellant was sent home after she asked for masks.

In an EEO investigative affidavit dated May 4, 2021, K.S. related that on August 11, 2020 appellant advised that she had a predisciplinary interview because she was accused of being out of uniform. Appellant was 41 weeks' pregnant and the employing establishment "did not offer any type of maternity clothing for pregnancy under the clerk craft." K.S. related that on October 22, 2020 he asked appellant what was wrong, and she took him to the passport office used for customers and showed him a chair and table that had been roped off for her to use her breast pump. K.S. related, "I stared at the area in awe that she was being treated like an animal on display...." On December 3, 2020, W.S. came to the office to notify them of three positive COVID-19 cases. Appellant calmly asked questions and G.S., a coworker, yelled an obscenity. W.S. threatened appellant with discipline but not G.S.

In an EEO investigative affidavit dated March 21, 2021, M.M., a supervisor, related that on December 30, 2020 she yelled at appellant and told her to leave as "she was not dealing with her sh\*\*." M.M. advised that appellant had asked her repeated questions in an aggressive manner about a possible case of COVID-19.

On March 13, 2024, the employing establishment challenged appellant's request for reconsideration. It maintained that she had a self-generated reaction to administrative actions, and noted that a witness to her alleged November 28, 2022 injury was her brother. The employing establishment asserted that an investigation on July 6, 2022 indicated that it was appellant who created issues on the workroom floor. It submitted the August 26, 2022 response to her complaint of harassment.

By decision dated April 12, 2024, OWCP modified its April 10, 2023 decision to find that appellant had established that the alleged employment factors occurred as described. However, the claim remained denied as she had not established a compensable factor of employment and thus had not established an injury in the performance of duty.

On April 24, 2024, appellant requested reconsideration. In an accompanying statement, she reviewed the alleged work factors that OWCP found she had not factually established and referenced evidence supporting her allegations. Appellant noted that she was accused of not being on the premises when she was out delivering mail. She advised that on January 8, 2021 T.N. texted her that he thought he was in trouble and that they were printing out the clock rings he had fixed for everyone. Appellant attributed her condition to her bid job being taken from her, being put on emergency placement for six months due to an ongoing criminal investigation that attempted to have her removed for something the postmaster had done, erroneous suspensions, and being threatened with discipline for asking questions about safety and for reasonable accommodations.

On June 5, 2024, the employing establishment contended that appellant's claim was for a self-generated reaction to administrative actions.

By decision dated June 6, 2024, OWCP denied modification of its April 12, 2024 decision.

On June 24, 2024, appellant again requested reconsideration and submitted a June 22, 2020 email regarding her grievance that she was bypassed for a transfer. The email noted that the resolution found that she was bypassed and that she should be transferred. Appellant also resubmitted a January 3, 2020 email from D.M., a manager at the employing establishment, agreeing that appellant would be transferred and her seniority date adjusted. D.M. noted that this would satisfy all issues in the grievance. Appellant also submitted medical evidence and resubmitted evidence regarding EEO complaints and her placement off work. In emails provided dated February 26, 2021, coworkers confirmed that appellant had asked about how to wear her mask and requested accommodations but that C.P. had not responded to her question before telling her to leave.

By decision dated July 3, 2024, OWCP denied appellant's request for reconsideration of the merits of the claim, pursuant to 5 U.S.C. § 8128(a).

### **LEGAL PRECEDENT -- ISSUE 1**

An employee seeking benefits under FECA<sup>3</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, that the claim was filed within the applicable time limitation of FECA,<sup>4</sup> that an injury was sustained while in the performance of duty as alleged; and that any disability or specific condition for which compensation is claimed is causally related to

---

<sup>3</sup> *Supra* note 1.

<sup>4</sup> *C.B.*, Docket No. 21-1291 (issued April 28, 2022); *S.C.*, Docket No. 18-1242 (issued March 13, 2019); *J.P.*, 59 ECAB 178 (2007); *Joe D. Cameron*, 41 ECAB 153 (1989).

the employment injury.<sup>5</sup> These are the essential elements of each and every compensation claim regardless of whether the claim is predicated on a traumatic injury or an occupational disease.<sup>6</sup>

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.<sup>7</sup>

Workers' compensation law does not apply to every injury or illness that is somehow related to a claimant's employment. There are situations where an injury or illness has some connection with the employment, but nevertheless does not come within the purview of workers' compensation. When disability results from an emotional reaction to regular or specially assigned work duties or a requirement imposed by the employment, the disability is deemed compensable.<sup>8</sup> However, disability is not compensable when it results from factors such as an employee's fear of a reduction-in-force, or frustration from not being permitted to work in a particular environment, or to hold a particular position.<sup>9</sup>

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.<sup>10</sup> 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.<sup>11</sup>

---

<sup>5</sup> *M.H.*, Docket No. 23-0467 (issued February 21, 2024); *L.C.*, Docket No. 19-1301 (issued January 29, 2020); *T.H.*, Docket No. 18-1736 (issued March 13, 2019); *R.C.*, 59 ECAB 427 (2008).

<sup>6</sup> *P.A.*, Docket No. 18-0559 (issued January 29, 2020); *T.E.*, Docket No. 18-1595 (issued March 13, 2019); *Delores C. Ellyett*, 41 ECAB 992 (1990).

<sup>7</sup> *See C.C.*, Docket No. 21-0283 (issued July 11, 2022); *S.K.*, Docket No. 18-1648 (issued March 14, 2019); *Donna Faye Cardwell*, 41 ECAB 730 (1990).

<sup>8</sup> *A.C.*, Docket No. 18-0507 (issued November 26, 2018); *Pamela D. Casey*, 57 ECAB 260, 263 (2005); *Lillian Cutler*, 28 ECAB 125, 129 (1976).

<sup>9</sup> *A.E.*, Docket No. 18-1587 (issued March 13, 2019); *Gregorio E. Conde*, 52 ECAB 410 (2001).

<sup>10</sup> *See R.M.*, Docket No. 19-1088 (issued November 17, 2020); *Thomas D. McEuen*, 41 ECAB 387 (1990); *reaff'd on recon.*, 42 ECAB 556 (1991).

<sup>11</sup> *L.R.*, Docket No. 23-0925 (issued June 20, 2024); *M.A.*, Docket No. 19-1017 (issued December 4, 2019).

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.<sup>12</sup> Mere perceptions of harassment are not compensable under FECA.<sup>13</sup>

In cases involving emotional conditions, the Board has held that, when working conditions are alleged as factors in causing a condition or disability, OWCP, as part of its adjudicatory function, must make findings of fact regarding which working conditions are deemed compensable factors of employment and are to be considered by a physician when providing an opinion on causal relationship, and which working conditions are not deemed factors of employment and may not be considered.<sup>14</sup> If a claimant does implicate a factor of employment, OWCP should then determine whether the evidence of record substantiates that factor. When the matter asserted is a compensable factor of employment and the evidence of record establishes the truth of the matter asserted, OWCP must base its decision on an analysis of the medical evidence.<sup>15</sup>

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

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

Initially, the Board notes that appellant claimed a traumatic injury by filing a Form CA-1. However, appellant attributed her condition to work factors occurring over the course of more than one work shift,<sup>16</sup> and thus OWCP properly adjudicated her claim as an occupational disease.<sup>17</sup>

Appellant has not attributed her condition to the performance of her regularly or specially assigned duties under *Cutler*.<sup>18</sup> Instead, she maintained that the employing establishment erred in a variety of administrative or personnel matters. In *Thomas D. McEuen*,<sup>19</sup> the Board held that an employee's emotional reaction to administrative actions or personnel matters taken by the employing establishment is not covered under FECA as such matters pertain to procedures and requirements of the employer and do not bear a direct relation to the work required of the employee. However, the Board has also held that, where the evidence establishes error or abuse

---

<sup>12</sup> See *E.G.*, Docket No. 20-1029 (issued March 18, 2022); *S.L.*, Docket No. 19-0387 (issued October 1, 2019); *S.B.*, Docket No. 18-1113 (issued February 21, 2019).

<sup>13</sup> *Id.*

<sup>14</sup> *R.B., id.; O.G.*, Docket No. 18-0359 (issued August 7, 2019).

<sup>15</sup> *Id.*

<sup>16</sup> A traumatic injury is defined as a condition of the body caused by a specific event or incident, or series of events or incidents, within a single workday or shift. 20 C.F.R. § 10.5(ee). An occupational disease is defined as a condition produced by the work environment over a period longer than a single workday or shift. 20 C.F.R. § 10.5(q).

<sup>17</sup> See *C.S.*, Docket No. 19-1809 (issued July 29, 2020).

<sup>18</sup> *Supra* note 8.

<sup>19</sup> See *Thomas D. McEuen*, *supra* note 10.



on the part of the employing establishment in what would otherwise be an administrative matter, such action will be considered a compensable employment factor.<sup>20</sup>

Appellant asserted that the employing establishment erred in placing her on emergency placement on May 21, 2021, failing to grant her a transfer, giving her bid position away, failing to conduct a workplace climate survey, suspending her, denying her request for reasonable accommodation, failing to provide her with an appropriate location to breast pump, and denying her request for advanced sick leave. The record indicates that on May 21, 2021 the employing establishment placed her on off-duty status effective that date because she was the subject of a criminal investigation. The employing establishment also issued appellant a seven-day suspension on August 2, 2022 for using sick leave to attend an event at the fairgrounds and, on October 5, 2022, suspended her for unsatisfactory attendance. It further advised that the results of a management inquiry established that the work environment was not hostile and that an investigation begun on July 6, 2022 indicated that appellant had inflicted stress on other employees. On March 29, 2021, W.S. indicated that a storage room was a better location for her to use a breast pump. Appellant has not submitted evidence finding that the employing establishment committed error or abuse in an administrative matter or that its actions were arbitrary or unfair.<sup>21</sup> She has not submitted any evidence, such as an admission of error or a finding of fault, demonstrating that the employing establishment acted unreasonably in an administrative matter.<sup>22</sup> In an email dated January 3, 2020, D.M. indicated that appellant would be transferred and her seniority date adjusted as the result of a grievance. On September 28, 2021, management and the union agreed that she would be returned to duty and the emergency placement expunged from her records. However, the Board has previously explained that, absent an admission of fault, a settlement agreement does not establish error or abuse on the part of the employing establishment.<sup>23</sup> Thus, appellant has not established a compensable work factor in an administrative or personnel matter.<sup>24</sup>

Regarding appellant's allegation of harassment by management and her coworkers, to the extent that disputes and incidents alleged as constituting harassment are established as occurring and arising from an employee's performance of his or her regular duties, these could constitute employment factors.<sup>25</sup> However, the Board has held that unfounded perceptions of harassment or discrimination do not constitute an employment factor.<sup>26</sup> Mere perceptions are not compensable

---

<sup>20</sup> *M.B.*, Docket No. 29-1160 (issued April 2, 2021); *William H. Fortner*, 49 ECAB 324 (1998).

<sup>21</sup> *See H.H.*, Docket No. 25-0254 (issued February 25, 2025); *G.M.*, Docket No. 17-1469 (issued April 2, 2018).

<sup>22</sup> *See P.T.*, Docket No. 20-0825 (issued September 23, 2022); *E.M.*, Docket No. 19-0156 (issued May 23, 2019).

<sup>23</sup> *W.F.*, Docket No. 18-1526 (issued November 26, 2019); *B.Y.*, Docket No. 17-1822 (issued January 18, 2019).

<sup>24</sup> *See Y.R.*, Docket No. 24-0612 (issued September 13, 2024); *R.V.*, Docket No. 18-0268 (issued October 17, 2018).

<sup>25</sup> *S.K.*, Docket No. 23-0655 (issued September 18, 2023); *D.B.*, Docket No. 18-1025 (issued January 23, 2019); *David W. Shirey*, 42 ECAB 783 (1991).

<sup>26</sup> *See C.C.*, Docket No. 21-0519 (issued September 22, 2023); *F.K.*, Docket No. 17-0179 (issued July 11, 2017).

under FECA, and harassment or discrimination can constitute a factor of employment only if it is shown that the incidents constituting the claimed harassment or discrimination actually occurred.<sup>27</sup>

In support of her allegations, appellant submitted a September 28, 2021 form referencing an agreement between the union and management to return her immediately to duty, expunging the May 21, 2021 emergency placement from her records, and paying her back pay and leave for the entire period. She also submitted EEO investigative affidavits from coworkers confirming that she was placed in a public area to breast pump and that W.S. threatened her with discipline for calmly asking questions about COVID-19 cases when a male coworker who used profanity was not similarly threatened. However, appellant has not submitted any finding of fault by the employing establishment filed with respect to the alleged harassment, such as a final EEO decision or grievance filed with the employing establishment.<sup>28</sup> Consequently, she has not established a compensable employment factor.

As the Board finds that appellant has not established a compensable employment factor, it is not necessary to consider the medical evidence of record.<sup>29</sup>

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 own motion or on application.<sup>30</sup>

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 OWCP; or (3) constitutes relevant and pertinent new evidence not previously considered by OWCP.<sup>31</sup>

---

<sup>27</sup> *Id.*

<sup>28</sup> *See M.E.*, Docket No. 21-1340 (issued February 1, 2023); *B.S.*, Docket No. 19-0378 (issued July 10, 2018).

<sup>29</sup> *See B.O.*, Docket No. 17-1986 (issued January 18, 2019) (finding that it is not necessary to consider the medical evidence of record if a claimant has not established any compensable employment factors). *See also Margaret S. Krzycki*, 43 ECAB 496, 502-03 (1992).

<sup>30</sup> 5 U.S.C. § 8128(a); *see C.V.*, Docket No. 22-0078 (issued November 28, 2022); *see also V.P.*, Docket No. 17-1287 (issued October 10, 2017); *D.L.*, Docket No. 09-1549 (issued February 23, 2010); *W.C.*, 59 ECAB 372 (2008).

<sup>31</sup> 20 C.F.R. § 10.606(b)(3); *see K.D.*, Docket No. 22-0756 (issued November 29, 2022); *see also L.G.*, Docket No. 09-1517 (issued March 3, 2010); *C.N.*, Docket No. 08-1569 (issued December 9, 2008).

A request for reconsideration must be received by OWCP within one year of the date of OWCP's decision for which review is sought.<sup>32</sup> If it chooses to grant reconsideration, it reopens and reviews the case on its merits.<sup>33</sup> 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.<sup>34</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 shown that OWCP erroneously applied or interpreted a specific point of law or advanced a relevant legal argument not previously considered by OWCP. She provided her review of the evidence supporting her allegations and resubmitted evidence already of record. Appellant alleged that she was accused of being away from the premises when she was delivering mail. She contended that her condition arose from being put on an emergency placement for something the postmaster had done, unwarranted suspensions, being threatened with discipline for asking safety questions, and the removal of her bid job. However, OWCP previously considered these contentions and the duplicate evidence submitted. The Board has held that the submission of evidence or argument which repeats or duplicates evidence or argument already in the record does not constitute a basis for reopening a claim.<sup>35</sup> Consequently, appellant is not entitled to a review of the merits of her claim based on the first and second above-noted requirements under section 10.606(b)(3).<sup>36</sup>

Moreover, appellant has not provided relevant and pertinent new evidence in support of her request for reconsideration. In support of her request, she submitted a June 22, 2020 email which noted that a grievance resolution indicated that she was bypassed for a transfer. Appellant also submitted medical evidence. This evidence, however, fails to address the relevant issue of whether the employing establishment harassed her or committed error or abuse in an administrative matter. The Board has held that the submission of evidence or argument which does not address

---

<sup>32</sup> *Id.* at § 10.607(a). The one-year period begins on the next day after the date of the original contested decision. 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 (February 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>33</sup> *Id.* at § 10.608(a); *see also D.B.*, Docket No. 22-0518 (issued November 28, 2022); *F.V.*, Docket No. 18-0239 (issued May 8, 2020); *M.S.*, 59 ECAB 231 (2007).

<sup>34</sup> *Id.* at § 10.608(b); *Y.K.*, Docket No. 18-1167 (issued April 2, 2020); *E.R.*, Docket No. 09-1655 (issued March 18, 2010).

<sup>35</sup> *S.B.*, Docket No. 24-0703 (issued December 13, 2024); *S.F.*, Docket No. 18-0561 (issued February 21, 2020).

<sup>36</sup> 20 C.F.R. § 10.606(b)(3)(i) and (ii); *see also C.K.*, Docket No. 18-1019 (issued October 24, 2018).

the underlying issue involved does not constitute a basis for reopening a case.<sup>37</sup> 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 did not meet 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>38</sup>

### **CONCLUSION**

The Board finds that appellant has not met her burden of proof to establish an emotional condition in the performance of duty, as alleged. The Board further 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 April 12, June 6 and July 3, 2024, decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: May 16, 2025  
Washington, DC

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

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

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

---

<sup>37</sup> *K.C.*, Docket No. 24-0226 (issued July 17, 2024); *A.G.*, Docket No. 23-0045 (issued February 15, 2024); *Edward Matthew Diekemper*, 31 ECAB 224-25 (1979).

<sup>38</sup> *D.A.*, Docket No. 22-0762 (issued September 30, 2022); *T.G.*, Docket No. 20-0329 (issued October 19, 2020); *C.C.*, Docket No. 17-0043 (issued June 15, 2018).