

<sup>1</sup> While OWCP's January 30 and April 15, 2025 decisions were not accompanied by appeal rights, the Board finds that they constitute final adverse decisions issued by OWCP. *Order Remanding Case, T.D. (A.D.)*, Docket No. 25-0338 (issued August 13, 2025); *Order Denying Motion to Dismiss and Order Remanding Case, K.K.*, Docket No. 19-0652 (issued September 19, 2019); see *Henry F. Dyer*, Docket No. 05-452 (issued May 13, 2005).

By decision dated February 22, 2023, OWCP denied appellant's claim for disability compensation for the period November 1, 2017 through October 14, 2022. It found that the medical evidence of record did not establish disability from work for the claimed period due to the accepted work-related medical conditions.

In a report dated April 11, 2024, OWCP's second opinion physician Dr. Michael A. Mackay, a Board-certified orthopedic surgeon, opined that appellant was able to perform full-time sedentary or light-duty work with no use of the left hand.

On June 15, 2024 the employing establishment offered appellant a full-time position as a modified rural carrier, a sedentary position with no use of the left upper extremity, and no lifting over 20 pounds with the right upper extremity.

On August 2, 2024 OWCP found that the offered position was medically suitable in accordance with the work restrictions provided by Dr. Mackay and that the position remained available. It advised appellant that under the provisions of 5 U.S.C. § 8106(c)(2), a partially disabled employee who refuses or neglects to work after suitable work is offered to, procured by, or secured for them is not entitled to compensation. OWCP afforded appellant 30 days to either accept the assignment and report to duty or submit evidence that the assignment was no longer available or no longer accommodated the medical work restrictions as provided by Dr. Mackay. Appellant did not accept the position or report for duty. She submitted documents indicating her receipt of Social Security Administration (SSA) retirement benefits. The employing establishment confirmed that the offered position remained open and available.

By letter dated September 5, 2024, OWCP notified appellant that it did not accept the reasons for her refusals of the June 15, 2024 position offered by the employing establishment as valid. It provided her 15 days to accept the position or have her entitlement to wage-loss compensation and schedule award compensation terminated, pursuant to 5 U.S.C. § 8106(c)(2). Thereafter, appellant submitted additional documents regarding SSA retirement benefits.

By decision dated November 7, 2024, OWCP terminated appellant's wage-loss compensation and entitlement to a schedule award, effective that date, pursuant to 5 U.S.C. § 8106(c)(2), as she refused an offer of suitable work. It found that the job offer was suitable based upon her work restrictions as provided by Dr. Mackay in his April 11, 2024 report. OWCP also found that appellant's reasons for job refusal were not justified.

On December 20, 2024 OWCP received a July 16, 2024 request for leave buy back for the period March 30 through April 26, 2019.

By decision dated January 30, 2025, OWCP denied appellant's claim for leave buy back for the period March 30 through April 26, 2019 as it was not compensable based on OWCP's November 7, 2024 decision.

On April 14, 2025 appellant filed a series of CA-7 forms claiming disability compensation for the periods February 17 through July 6, 2018, December 1 through 3, 2018, March 2 through 29, 2019, April 27, 2019 through October 13, 2022, and September 21 through November 4, 2024.

By decision dated April 15, 2025, OWCP denied appellant's claim for disability compensation for the period February 17, 2018 through October 13, 2022 as this period was previously denied. It also related that the periods September 21 through October 4, 2024, and October 5 through November 4, 2024 "were previously developed under the letter issued September 5, 2024 reflecting suitable work available within" her restrictions, and that her wage-loss compensation had been terminated effective November 7, 2024 for refusing suitable work under 5 U.S.C. § 8106(c)(2). OWCP noted that if appellant wished to appeal the decision, she should refer to the appeal rights which accompanied the November 7, 2024 decision.

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

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.<sup>2</sup> 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.<sup>3</sup> As well, OWCP's procedures provide that the 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.<sup>4</sup>

The January 30 and April 15, 2025 decisions did not explain findings with regard to the denial of appellant's claims for leave buy back and disability compensation, but merely referred to OWCP's November 7, 2024 termination decision. 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.<sup>5</sup>

As such, the Board shall set aside OWCP's January 30 and April 15, 2025 decisions and remand the case for findings of fact and a statement of reasons for its decisions pursuant to the standard set forth in section 5 U.S.C. § 8124(a) and 20 C.F.R. § 10.126.<sup>6</sup> After any further development as deemed necessary, OWCP shall issue a *de novo* decision. Accordingly,

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<sup>2</sup> 5 U.S.C. § 8124(a).

<sup>3</sup> 20 C.F.R. § 10.126.

<sup>4</sup> Federal (FECA) Procedure Manual, Part 2 -- Claims, *Disallowances*, Chapter 2.1400.5 (February 2013).

<sup>5</sup> *Id.*

<sup>6</sup> See *Order Remanding Case, T.T.*, Docket No. 25-0523 (issued June 24, 2025); *Order Remanding Case, M.S.*, Docket No. 23-0118 (issued February 21, 2024); *Order Remanding Case A.J.*, Docket No. 21-0944 (issued March 23, 2022).

**IT IS HEREBY ORDERED THAT** the January 30 and April 15, 2025 decisions of the Office of Workers' Compensation Programs are set aside, and the case is remanded for further proceedings consistent with this order of the Board.

Issued: September 25, 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