

condition while in the performance of duty. On the reverse side of the claim form, the employing establishment controverted the claim. Appellant stopped work on October 4, 2024, and returned to full-time regular-duty work without restrictions on October 28, 2024.

In a statement accompanying appellant's Form CA-1, he described the circumstances resulting in his work-related physical and mental stress since May 30, 2024. He alleged that he was wrongly placed on administrative leave based on false accusations without concrete proof. Appellant noted that no investigation was ever made into the alleged incident for more than three months and it was only after he reached out to the District Manager about the lack of investigation that he was reassigned to the Oakland Civic Center Station beginning on September 9, 2024. He further asserted that he received a 14-day suspension which was unwarranted. Appellant also described harassment by management and supervisors. He further alleged that the constant employment incidents have contributed to his physical and mental stress causing him to file a traumatic injury claim.

Appellant submitted an authorization for examination and/or treatment (Form CA-16) issued by the employing establishment on October 3, 2024, which provided a date of injury of September 9, 2024, and authorized appellant to seek treatment for physical and mental stress.

In an October 5, 2024 report, Dr. Cindy Le, a Board-certified psychiatrist, noted that appellant had been hospitalized since October 3, 2024, and was "being treated for a very serious medical condition." She reported that she expected him to return to work without restrictions on October 28, 2024.

In an October 7, 2024 development letter, OWCP informed appellant of the deficiencies of his claim. It advised him as to the type of factual and medical evidence required and provided a questionnaire for his completion. OWCP afforded appellant 60 days to submit the necessary evidence. In a separate development letter of even date, it requested that the employing establishment provide additional information regarding appellant's emotional condition claim, including comments from a knowledgeable supervisor. OWCP afforded the employing establishment 30 days to respond.

Following OWCP's development letter, appellant continued to submit additional factual and medical evidence in support of his claim.

In a letter received on October 22, 2024, the employing establishment challenged appellant's claim noting that management was notified one month after the claimed injury that he had exaggerated the driving distance to his new assignment, making his claim look retaliatory in nature. The employing establishment further contended that there was no medical evidence substantiating the claim.

In follow-up letters dated November 15 and December 19, 2024, OWCP requested that the employing establishment provide additional information regarding appellant's emotional/stress-related condition claim, including comments from a knowledgeable supervisor. It afforded the employing establishment 30 days to respond. No response was received.

By decision dated March 11, 2025, OWCP denied appellant's emotional condition claim. It found that he had not established a compensable factor of employment and thus had not established an injury in the performance of duty.²

On September 26, 2025, OWCP received an undated report from Dr. Said A. Ibrahimi, a Board-certified psychiatrist, in support of his claim. In his report, Dr. Ibrahimi opined that appellant was currently experiencing significant psychological symptoms that were directly related to work-related stress, including, but not limited to, anxiety, sleep disturbances, and moderate major depressive disorder. He recommended reasonable workplace accommodations that could help reduce appellant's ongoing stressors during this period.

On October 2, 2025, appellant requested reconsideration of the merits of his claim.

By decision dated October 22, 2025, OWCP denied appellant's request for reconsideration of the merits of his claim, pursuant to 5 U.S.C. § 8128(a).

LEGAL PRECEDENT

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 or her own motion or on application.³

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.⁴

A request for reconsideration must be received by OWCP within one year of the date of OWCP's decision for which review is sought.⁵ If it chooses to grant reconsideration, it reopens and reviews the case on its merits.⁶ If the request is timely, but fails to meet at least one of the

² On April 15, 2025, appellant requested an oral hearing before a representative of OWCP's Branch of Hearings and Review. By decision dated April 16, 2025, OWCP denied appellant's request for an oral hearing, finding that it was untimely since it was not filed within 30 days of OWCP's March 11, 2025 decision. It further exercised its discretion and determined that the issue in the case could equally well be addressed through a request for reconsideration before OWCP along with the submission of new evidence.

³ 5 U.S.C. § 8128(a); *see R.C.*, Docket No. 22-0612 (issued October 24, 2022); *M.S.*, Docket No. 19-1001 (issued December 9, 2019); *L.D.*, Docket No. 18-1468 (issued February 11, 2019); *see also V.P.*, Docket No. 17-1287 (issued October 10, 2017); *W.C.*, 59 ECAB 372 (2008).

⁴ 20 C.F.R. § 10.606(b)(3); *see R.C.*, *id.*; *L.D.*, *id.*

⁵ *Id.* at § 10.607(a). The one-year period begins on the next day after the date of the original contested decision. Federal (FECA) Procedure Manual, Part 2 -- Claims, *Reconsiderations*, Chapter 2.1602.4 (September 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.

⁶ *Id.* at § 10.608(a); *see also M.S.*, 59 ECAB 231 (2007).

requirements for reconsideration, OWCP will deny the request for reconsideration without reopening the case for review on the merits.⁷

ANALYSIS

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).

On October 2, 2025, appellant filed a request for reconsideration of the March 11, 2025 decision denying his emotional condition claim. However, appellant neither established that OWCP erroneously applied or interpreted a specific point of law, nor did he advance a relevant legal argument not previously considered by OWCP. Accordingly, the Board finds that he is not entitled to a review of the merits based on either the first or second above-noted requirements under 20 C.F.R. § 10.606(b)(3).⁸

Moreover, appellant has not provided relevant and pertinent new evidence in support of his request for reconsideration. In support of his request, he submitted a September 26, 2025 report, wherein Dr. Ibrahim opined that appellant was experiencing significant psychological symptoms that were directly related to work-related stress, including anxiety, sleep disturbances, and moderate major depressive disorder. This evidence, however, is irrelevant to the underlying issue of whether he established a compensable factor in the performance of duty, as alleged. The Board has held that the submission of evidence or argument which does not address the underlying issue involved does not constitute a basis for reopening a case.⁹ Therefore, appellant is not entitled to further review of the merits of his claim based on the third above-noted requirement under 20 C.F.R. § 10.606(b)(3).¹⁰

The Board, therefore, finds that appellant has not met any of the requirements of 20 C.F.R. § 10.606(b)(3).¹¹ Pursuant to 20 C.F.R. § 10.608, OWCP properly denied merit review.¹²

CONCLUSION

The Board finds that OWCP properly denied appellant's request for reconsideration of the merits of his claim, pursuant to 5 U.S.C. § 8128(a).

⁷ *Id.* at § 10.608(b); *M.S.*, Docket No. 19-0291 (issued June 21, 2019); *E.R.*, Docket No. 09-1655 (issued March 18, 2010).

⁸ *See L.W.*, Docket No. 21-0607 (issued October 18, 2022).

⁹ *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).

¹⁰ *N.B.*, Docket No. 24-0790 (issued May 16, 2025).

¹¹ *R.G.*, Docket No. 25-0390 (issued April 9, 2025).

¹² *W.P.*, Docket No. 25-0367 (issued April 4, 2025).

ORDER

IT IS HEREBY ORDERED THAT the October 22, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: April 14, 2026
Washington, DC

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

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

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