

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

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<b>J.C., Appellant</b>	)	
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<b>and</b>	)	
	)	<b>Docket No. 26-0204</b>
	)	<b>Issued: April 21, 2026</b>
<b>U.S. POSTAL SERVICE, IROQUOIS POST</b>	)	
<b>OFFICE, Louisville, KY, Employer</b>	)	
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*Appearances:*  
*Appellant, pro se*  
*Office of Solicitor, for the Director*

*Case Submitted on the Record*

**DECISION AND ORDER**

Before:  
ALEC J. KOROMILAS, Chief Judge  
PATRICIA H. FITZGERALD, Deputy Chief Judge  
VALERIE D. EVANS-HARRELL, Alternate Judge

**JURISDICTION**

On December 29, 2025 appellant filed a timely appeal from an October 17, 2025 merit and a December 8, 2025 nonmerit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act<sup>1</sup> (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

**ISSUES**

The issues are: (1) whether appellant has met his burden of proof to establish a medical condition causally related to the accepted June 21, 2025 employment incident; and (2) whether OWCP properly denied appellant's request for a review of the written record as untimely filed, pursuant to 5 U.S.C. § 8124(b).

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<sup>1</sup> 5 U.S.C. § 8101 *et seq.*

## **FACTUAL HISTORY**

On June 28, 2025 appellant, then a 52-year-old city carrier, filed a traumatic injury claim (Form CA-1) alleging that on June 21, 2025, at 11:50 a.m., he suffered from heat exposure, dehydration, and loss consciousness due to exposure to a heat index of over 100 degrees while in the performance of duty. On the reverse side of the claim form, B.J., appellant's supervisor, controverted the claim. Appellant stopped work on June 23, 2025. He returned to full-time regular duty on August 30, 2025.

In support of his claim, appellant submitted an unsigned June 28, 2025 witness statement from a postal customer who on June 21, 2025 found appellant sitting on a step of their house, slumped over, sweating, heaving, and having difficulty speaking. They called 911.

OWCP also received ambulance forms, which documented appellant's June 21, 2025 hospital transfer.

In a June 21, 2025 emergency department after-visit summary, Dr. Joseph D. Ritchie, a Board-certified emergency medicine specialist, indicated that he treated appellant in the emergency department and diagnosed heat exposure and dehydration.

In a June 21, 2025 emergency room report, Dr. Ritchie noted that appellant, who routinely walked approximately 18 miles a day on his mail route, reported feeling overheated and lightheaded, and that he had nearly passed out. He recounted appellant's medical treatment and results of all diagnostic studies, noting that appellant had no significant electrolyte derangement, no significant elevation in creatine kinase (CK) levels, and was hemodynamically stable to be discharged. Dr. Ritchie diagnosed heat exposure and dehydration.

June 25, June 30 and July 8, 2025 work excuse notes from Dr. Rosenberg A. Reyes, a family medicine specialist, were also received. He held appellant off work until August 18, 2025.

In an August 14, 2025 development letter, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence needed to establish his claim and provided a questionnaire for his completion. OWCP afforded appellant 60 days to submit the necessary evidence.

Appellant subsequently submitted August 18 and August 26, 2025 work status notes from Dr. Reyes. OWCP also received diagnostic testing results, including a July 17, 2025 magnetic resonance imaging (MRI) scan of the brain, an August 5, 2025 transthoracic echocardiogram, August 5, 2025 extended Holter monitor testing, and an August 5, 2025 electroencephalography (EEG) study.

In a follow-up letter dated September 11, 2025, OWCP advised appellant that it conducted an interim review, and the evidence remained insufficient to establish his claim. It noted that he had 60 days from the August 14, 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.

In an August 25, 2025 attending physician's report (Form CA-20), Dr. Reyes related that appellant had collapsed from the heat on June 21, 2025 while delivering mail for work. He held appellant off work pending test results and findings. In an attached June 25, 2025 progress note, Dr. Reyes repeated appellant's history of injury, noted examination findings, ordered various diagnostic tests, and diagnosed syncope and palpitations. He referred appellant to a cardiologist. In a June 30, 2025 progress note, Dr. Reyes recounted the history of injury, provided examination findings and diagnosed syncope episode rule out seizure and recommended further diagnostic testing. In a July 8, 2025 progress note, he provided examination findings and ordered additional studies. Dr. Reyes diagnosed anxiety, attention deficit hyperactivity disorder, low blood pressure, headache, hyperlipidemia, and folate deficiency.

By decision dated October 17, 2025, OWCP denied appellant's traumatic injury claim, finding that the medical evidence of record was insufficient to establish causal relationship between a diagnosed medical condition and the accepted June 21, 2025 employment incident.

On December 8, 2025, appellant filed *via* the Employees' Compensation Operations & Management Portal (ECOMP) a request for a review of the written record by a representative of OWCP's Branch of Hearings and Review.

By decision dated December 8, 2025, OWCP denied appellant's request for a review of the written record, finding that it was untimely filed, pursuant to 5 U.S.C. § 8124(b). It explained that the request was not made within 30 days of the October 17, 2025 decision and, therefore, appellant was not entitled to a request for a review of the written record as a matter of right. 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.

### **LEGAL PRECEDENT – ISSUE 1**

An employee seeking benefits under FECA<sup>2</sup> has the burden of proof to establish the essential elements of his or her claim, including that the individual is an employee of the United States within the meaning of FECA, that the claim was timely filed within the applicable time limitation of FECA,<sup>3</sup> that an injury was sustained in the performance of duty as alleged, and that any disability or medical condition for which compensation is claimed is causally related to the employment injury.<sup>4</sup> These are the essential elements of each and every compensation claim, regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.<sup>5</sup>

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<sup>2</sup> *Id.*

<sup>3</sup> *E.K.*, Docket No. 22-1130 (issued December 30, 2022); *F.H.*, Docket No. 18-0869 (issued January 29, 2020); *J.P.*, Docket No. 19-0129 (issued April 26, 2019); *Joe D. Cameron*, 41 ECAB 153 (1989).

<sup>4</sup> *S.H.*, Docket No. 22-0391 (issued June 29, 2022); *L.C.*, Docket No. 19-1301 (issued January 29, 2020); *J.H.*, Docket No. 18-1637 (issued January 29, 2020); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

<sup>5</sup> *E.H.*, Docket No. 22-0401 (issued June 29, 2022); *P.A.*, Docket No. 18-0559 (issued January 29, 2020); *K.M.*, Docket No. 15-1660 (issued September 16, 2016); *Delores C. Ellyett*, 41 ECAB 992 (1990).

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it first must be determined whether fact of injury has been established. First, the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time and place, and in the manner alleged. Second, the employee must submit sufficient medical evidence to establish that the employment incident caused an injury.<sup>6</sup>

The medical evidence required to establish causal relationship between a claimed specific condition and an employment incident is rationalized medical opinion evidence.<sup>7</sup> The opinion of the physician must be based on a complete factual and medical background of the employee, must be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and specific employment incident identified by the employee.<sup>8</sup>

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

The Board finds that appellant has not met his burden of proof to establish a medical condition causally related to the accepted June 21, 2025 employment incident.

In a June 21, 2025 emergency room report, Dr. Ritchie noted that appellant walked approximately 18 miles a day on his route, reported feeling overheated, lightheaded, and had nearly passed out. He reported appellant's medical treatment and results of all diagnostic studies. Dr. Ritchie diagnosed heat exposure and dehydration. OWCP also received a June 21, 2025 after-visit summary which indicated that appellant was seen in the emergency department for heat exposure. Dr. Ritchie diagnosed heat exposure and dehydration. However, he did not provide an opinion on causal relationship. The Board has held that medical evidence that does not offer an opinion regarding the cause of an employee's condition or disability is of no probative value on the issue of causal relationship.<sup>9</sup> Thus, this evidence is insufficient to establish appellant's claim.

OWCP also received a Form CA-20 and a series of notes from Dr. Reyes. However, Dr. Reyes did not provide an opinion on causal relationship between appellant's diagnosed medical conditions and the accepted June 21, 2025 employment incident. As explained above, medical evidence that does not offer an opinion regarding the cause of an employee's condition is of no probative value on the issue of causal relationship.<sup>10</sup> This evidence is therefore insufficient to establish the claim.

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<sup>6</sup> *H.M.*, Docket No. 22-0343 (issued June 28, 2022); *T.J.*, Docket No. 19-0461 (issued August 11, 2020); *K.L.*, Docket No. 18-1029 (issued January 9, 2019); *John J. Carlone*, 41 ECAB 354 (1989).

<sup>7</sup> *S.M.*, Docket No. 22-0075 (issued May 6, 2022); *S.S.*, Docket No. 19-0688 (issued January 24, 2020); *A.M.*, Docket No. 18-1748 (issued April 24, 2019); *Robert G. Morris*, 48 ECAB 238 (1996).

<sup>8</sup> *J.D.*, Docket No. 22-0935 (issued December 16, 2022); *T.L.*, Docket No. 18-0778 (issued January 22, 2020); *Y.S.*, Docket No. 18-0366 (issued January 22, 2020); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

<sup>9</sup> *See L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

<sup>10</sup> *Id.*

Appellant also submitted multiple diagnostic test reports. The Board has held that diagnostic test reports, standing alone, lack probative value as they do not provide an opinion on causal relationship between the employment incident and a diagnosed condition.<sup>11</sup>

As the medical evidence of record is insufficient to establish a medical condition causally related to the accepted June 21, 2025 employment incident, the Board finds that appellant has not met his burden of proof.

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 8124(b) of FECA states: “Before review under section 8128(a) of this title, a claimant for compensation not satisfied with a decision of the Secretary ... is entitled, on request made within 30 days after the date of issuance of the decision, to a hearing on his or her claim before a representative of the Secretary.”<sup>12</sup> Section 10.615 of OWCP’s federal regulations, implementing this section of FECA, provides that a claimant who requests a hearing can choose between two formats, either an oral hearing or a review of the written record by an OWCP hearing representative.<sup>13</sup> As section 8124(b)(1) is unequivocal in setting forth the time limitation for requesting a hearing, a claimant is not entitled to a hearing as a matter of right unless the request is made within the requisite 30 days.<sup>14</sup> The date of filing for an oral hearing or review of the written record is fixed by postmark or other carrier’s date marking,<sup>15</sup> or the date received in ECOMP, and before the claimant has requested reconsideration.<sup>16</sup> Although there is no right to a hearing/review of the written record if not requested within the 30-day time period, OWCP may within its discretionary powers grant or deny appellant’s request and must exercise its discretion.<sup>17</sup>

### **ANALYSIS -- ISSUE 2**

The Board finds that OWCP properly denied appellant’s request for a review of the written record as untimely filed, pursuant to 5 U.S.C. § 8124(b).

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<sup>11</sup> *L.M.*, Docket No. 23-0946 (issued December 18, 2023); *T.H.*, Docket No. 18-1736 (issued March 13, 2019).

<sup>12</sup> 5 U.S.C. § 8124(b)(1).

<sup>13</sup> 20 C.F.R. § 10.615.

<sup>14</sup> *T.A.*, Docket No. 18-0431 (issued November 7, 2018); *Ella M. Garner*, 36 ECAB 238, 241-42 (1984).

<sup>15</sup> 20 C.F.R. § 10.616(a).

<sup>16</sup> *Id.*; Federal (FECA) Procedure Manual, Part 2 -- Claims, *Hearings and Reviews of the Written Record*, Chapter 2.1601.4a (February 2024); *D.W.*, Docket No. 25-0019 (issued November 22, 2024).

<sup>17</sup> *M.F.*, Docket No. 21-0878 (issued January 6, 2022); *W.H.*, Docket No. 20-0562 (issued August 6, 2020); *P.C.*, Docket No. 19-1003 (issued December 4, 2019); *Eddie Franklin*, 51 ECAB 223 (1999); *Delmont L. Thompson*, 51 ECAB 155 (1999).

OWCP's procedures provide that a request for an oral hearing/review of the written record must be made within 30 days of the date of the decision for which a review is sought.<sup>18</sup> Appellant, therefore, had 30 days following OWCP's October 17, 2025 merit decision to request an oral hearing/review of the written record. As appellant did not request a review of the written record until December 8, 2025, more than 30 days after OWCP's October 17, 2025 decision, it was untimely filed and he was, therefore, not entitled to a review of the written record as a matter of right.<sup>19</sup>

OWCP also has the discretionary power to grant an oral hearing or review of the written record even if the claimant is not entitled to review as a matter of right. The Board finds that OWCP, in its December 8, 2025 decision, properly exercised its discretion by determining that the issue in the case could be equally well addressed through a request for reconsideration before OWCP, along with the submission of additional evidence.

The Board has held that the only limitation on OWCP's authority is reasonableness. An abuse of discretion is generally shown through proof of manifest error, clearly unreasonable exercise of judgment, or actions taken, which are contrary to both logic and probable deduction from established facts.<sup>20</sup> Accordingly, the Board finds that OWCP properly denied appellant's request for a review of the written record, as untimely filed, pursuant to 5 U.S.C. § 8124(b).

### **CONCLUSION**

The Board finds that appellant has not met his burden of proof to establish a medical condition causally related to the accepted June 21, 2025 employment incident. The Board further finds that OWCP properly denied his request for a review of the written record as untimely filed, pursuant to 5 U.S.C. § 8124(b).

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<sup>18</sup> *J.P.*, Docket No. 25-0860 (issued January 5, 2026); *J.C. (S.C.)*, Docket No. 24-0576 (issued August 28, 2024).

<sup>19</sup> *J.P.*, *id.*; *see W.N.*, Docket No. 20-1315 (issued July 6, 2021); *see also G.S.*, Docket No. 18-0388 (issued July 19, 2018).

<sup>20</sup> *See S.I.*, Docket No. 22-0538 (issued October 3, 2022); *T.G.*, Docket No. 19-0904 (issued November 25, 2019); *Daniel J. Perea*, 42 ECAB 214 (1990) (Thomas, Alternate Member, dissenting). *See also P.G.*, Docket No. 24-0447 (issued August 12, 2024); *D.S.*, Docket No. 21-1296 (issued March 23, 2022).

**ORDER**

**IT IS HEREBY ORDERED THAT** the October 17 and December 8, 2025 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: April 21, 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