



employment. She noted that her lower back began aching on both sides, and that she had pain which radiated down both legs to her feet. Appellant noted that she first became aware of her condition and realized its relationship to her federal employment on February 24, 2025. She did not stop work.

In an April 18, 2025 development letter, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of evidence needed and provided a questionnaire for her completion. OWCP afforded appellant 60 days to respond. In a separate development letter of even date, it requested that the employing establishment provide comments from a knowledgeable supervisor regarding appellant's allegations. OWCP afforded the employing establishment 30 days to respond.

Appellant subsequently submitted an April 9, 2025 report, wherein Dr. Asma Qamruddin, a Board-certified preventive and occupational medicine physician, indicated that appellant complained of experiencing bilateral lower back and right knee pain for approximately five weeks. Dr. Qamruddin reported physical examination findings, diagnosed lumbosacral spine and right knee strains, and recommended work restrictions. In April 11 and 18, 2025 reports, she noted her physical examination findings and diagnosed lumbosacral spine and right knee strains. In April 9, 11, and 18, 2025 duty status reports (Form CA-17), Dr. Qamruddin recommended work restrictions.

Appellant submitted notes, dated from April 10 through 18, 2025, wherein Tanya Varkey, a physical therapist, documented her therapy sessions. She also submitted reports which were unsigned.

The findings of October 11, 2024 electromyogram/nerve conduction velocity (EMG/NCV) testing of the upper extremities contained an impression of left median motor neuropathy at the wrist and elbow, right median sensorimotor neuropathy across the wrist, and right ulnar sensory-motor neuropathy across the wrist. April 9, 2025 lumbosacral spine x-rays contained an impression of intact L5-S1 instrumented fusion hardware and mild degenerative changes without acute osseous abnormality of the lumbar spine. Right knee x-rays of even date contained an impression of "normal knee."

In a May 14, 2025 letter, the employing establishment controverted appellant's claim.

In a follow-up May 15, 2025 letter, OWCP advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish her claim. It noted that she had 60 days from the April 18, 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.

Appellant subsequently submitted an October 9, 2024 report, wherein Dr. Paul E. Papierski, a Board-certified orthopedic surgeon, reported physical examination findings and diagnosed paresthesias of both hands. In a November 14, 2024 report, Dr. Papierski diagnosed carpal tunnel syndrome of the right wrist and entrapment of the right ulnar nerve at the wrist. On December 9, 2024 and January 9, 2025 he diagnosed carpal tunnel syndrome of the right wrist,

entrapment of the right ulnar nerve at the wrist, left median nerve neuropathy, and entrapment of the left ulnar nerve at the wrist.

Appellant submitted additional diagnostic testing results. The findings of October 11, 2024 EMG/NCV study of the upper extremities contained an impression of left median motor neuropathy at the wrist and elbow, right median sensorimotor neuropathy across the wrist, and right ulnar sensory-motor neuropathy across the wrist. Appellant also resubmitted several medical reports.

By decision dated July 8, 2025, OWCP denied appellant's claim, finding that she had not established the implicated factors of her federal employment. It noted that she had not responded to the April 18 and May 15, 2025 development letters and stated, "Specifically, your case is denied because the evidence is not sufficient to establish that the event(s) occurred as you described." Therefore, OWCP found that the requirements had not been met to establish an injury as defined by FECA.

On September 16, 2025 appellant requested reconsideration of the July 8, 2025 decision. She indicated that she faced time constraints for "getting timely [doctor] appointments and necessary tests" to support her claim.

Appellant submitted a September 2, 2025 report, wherein Dr. Ehab Yasin, an osteopath and Board-certified physiatrist, related appellant's complaints of pain in her lower back, hips, and lower extremities. Dr. Yasin reported physical examination findings and diagnosed lumbar radiculopathy and anxiety about treatment.

Appellant also submitted a June 13, 2025 magnetic resonance imaging (MRI) scan of the thoracic/lumbar spine, which revealed degenerative disc/facet disease from the T10 through S1 disc levels.

By decision dated October 29, 2025, OWCP denied appellant's request for reconsideration of the merits of her 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.<sup>2</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

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<sup>2</sup> 5 U.S.C. § 8128(a); *see L.D.*, Docket No. 18-1468 (issued February 11, 2019); *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).

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

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>4</sup> If it chooses to grant reconsideration, it reopens and reviews the case on its merits.<sup>5</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>6</sup>

The Board has held that the submission of evidence or argument which repeats or duplicates evidence or argument already in the case record<sup>7</sup> and the submission of evidence or argument which does not address the particular issue involved does not constitute a basis for reopening a case.<sup>8</sup>

### 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 September 16, 2025 appellant filed a timely request for reconsideration of a July 8, 2025 decision.<sup>9</sup> She indicated that she faced time constraints for "getting timely [doctor] appointments and necessary tests" to support her claim. However, appellant did not establish that OWCP erroneously applied or interpreted a specific point of law, or advance a relevant legal argument not previously considered by OWCP. Thus, she 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).

With her request for reconsideration, appellant submitted a September 2, 2025 report, wherein Dr. Yasin diagnosed lumbar radiculopathy and anxiety about treatment, and a June 13, 2025 MRI scan of the thoracic/lumbar spine. While this medical evidence is new, it is irrelevant

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<sup>3</sup> 20 C.F.R. § 10.606(b)(3); *see M.S.*, Docket No. 18-1041 (issued October 25, 2018); *L.G.*, Docket No. 09-1517 (issued March 3, 2010); *C.N.*, Docket No. 08-1569 (issued December 9, 2008).

<sup>4</sup> 20 C.F.R. § 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.

<sup>5</sup> *Id.* at § 10.608(a); *see D.C.*, Docket No. 19-0873 (issued January 27, 2020); *M.S.*, 59 ECAB 231 (2007).

<sup>6</sup> *Id.* at § 10.608(b); *see T.V.*, Docket No. 19-1504 (issued January 23, 2020); *E.R.*, Docket No. 09-1655 (issued March 18, 2010).

<sup>7</sup> *N.L.*, Docket No. 18-1575 (issued April 3, 2019); *Eugene F. Butler*, 36 ECAB 393, 398 (1984).

<sup>8</sup> *M.K.*, Docket No. 18-1623 (issued April 10, 2019); *Edward Matthew Diekemper*; 31 ECAB 224, 225 (1979).

<sup>9</sup> *See J.F.*, Docket No. 16-1233 (issued November 23, 2016).

as it does not address the underlying issue of the present case which is factual in nature, *i.e.*, whether appellant has established the implicated factors of her federal employment. The Board has held that the submission of evidence or argument which does not address the particular issue involved does not constitute a basis for reopening a case.<sup>10</sup> Therefore, she 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 has not met 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.

### **CONCLUSION**

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).

### **ORDER**

**IT IS HEREBY ORDERED THAT** the October 29, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: April 17, 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

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<sup>10</sup> See *supra* note 8.