

¹ The Board notes that, following the December 16, 2025 decision, appellant submitted additional evidence to OWCP. However, the Board's *Rules of Procedures* 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.*

In an April 8, 2025 revised payment memorandum, OWCP calculated appellant's pay rate based on a July 13, 2022 date of injury.

On December 1, 2025 appellant disputed her pay rate, asserting that it should be calculated using her highest salary during the period of her disability from August 2, 2024 through September 5, 2025. She reported that she stopped work on August 2, 2024 because the employing establishment could not accommodate her medical restrictions which limited night shifts.

By decision dated December 16, 2025, OWCP summarily denied appellant's request for recalculation of her compensation pay rate due to her August 2, 2024 work stoppage.

The Board, having duly considered this matter, finds that the case is not in posture for decision.

OWCP summarily denied appellant's request for recalculation of her compensation pay rate due without complying with the review requirements of FECA and its implementing regulations.² 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.³ 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.⁴ 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.⁵

In its December 16, 2025 decision, 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 its decision regarding the calculation of her pay rate.⁶ It denied appellant's claim, without identifying the specific evidence reviewed or sufficiently explaining its calculation.

Therefore, the Board shall set aside OWCP's December 16, 2025 decision and remand the case for findings of fact and a statement of reasons for its decision pursuant to the standards set forth in section 5 U.S.C. § 8124(a) and 20 C.F.R. § 10.126. After any further development deemed necessary, OWCP shall issue a *de novo* decision. Accordingly,

² See *Order Remanding Case, T.B.*, Docket No. 25-0421 (issued June 23, 2025); *Order Remanding Case, J.B.*, Docket No. 24-0760 (issued August 28, 2024); *Order Remanding Case, J.D.*, Docket No. 24-0044 (issued April 22, 2024); *Order Remanding Case, R.G.*, Docket No. 23-0011 (issued June 14, 2023); *Order Remanding Case, C.G.*, Docket No. 20-0051 (issued June 29, 2020); see also 20 C.F.R. § 10.607(b).

³ 5 U.S.C. § 8124(a).

⁴ 20 C.F.R. § 10.126.

⁵ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Disallowances*, Chapter 2.1400.5 (February 2013) (all decisions should contain findings of fact sufficient to identify the benefit being denied and the reason for the disallowance).

⁶ See *D.O.*, Docket No. 22-0315 (issued June 29, 2022).

IT IS HEREBY ORDERED THAT the December 16, 2025 decision of the Office of Workers' Compensation Programs is set aside, and the case is remanded for further proceedings consistent with this order of the Board.

Issued: August 10, 2026
Washington, DC

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

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

A handwritten signature in black ink, reading "Valerie D. Evans-Harrell". The signature is written in a cursive, flowing style.

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