

¹ 5 U.S.C. § 8101 *et seq.*

FACTUAL HISTORY

This case has previously been before the Board on a different issue². The facts and circumstances set forth in the Board's prior decision are incorporated herein by reference. The relevant facts are as follows.

On June 3, 2020 appellant, then a 38-year-old processing clerk, filed an occupational disease claim (Form CA-2) alleging that she developed a back condition due to factors of her federal employment. She noted that she first became aware of her condition on August 4, 2018, and realized its relationship to her federal employment on May 20, 2020. By decision dated January 29, 2021, OWCP accepted the claim for lumbar and thoracic ligament sprains.

OWCP subsequently received a series of medical travel refund requests (Form OWCP-957) for mileage and meal expenses.

By decision dated October 29, 2025, OWCP approved appellant's claim for travel reimbursement in part. However, it denied the remainder of the requested travel expenses.

On March 9, 2026, *via* OWCP's Employees' Compensation Operations & Management Portal (ECOMP), appellant requested an oral hearing before a representative of OWCP's Branch of Hearings and Review.

By decision dated March 11, 2026, OWCP denied appellant's request for an oral hearing, pursuant to 5 U.S.C. § 8124(b). It found that the March 9, 2026 request was not made within 30 days of the October 29, 2025 decision, and, therefore, was untimely filed. OWCP 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

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." 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.³ 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.⁴ The date of filing for an oral hearing or review of the written

² 5 U.S.C. § 8124(b)(1).

³ 20 C.F.R. § 10.615.

⁴ *S.L.*, Docket No. 26-0368 (issued June 17, 2026); *T.A.*, Docket No. 18-0431 (issued November 7, 2018); *Ella M. Garner*, 36 ECAB 238, 241-42 (1984).

record is fixed by postmark or other carrier's date marking,⁵ or the date received in the Employees' Compensation Operations & Management Portal (ECOMP), and before the claimant has requested reconsideration.⁶ 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.⁷

ANALYSIS

The Board finds that OWCP properly denied appellant's request for an oral hearing as untimely filed, pursuant to 5 U.S.C. § 8124(b).

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.⁸ Appellant, therefore, had 30 days following OWCP's October 29, 2025 merit decision to request an oral hearing/review of the written record. As she did not request an oral hearing until March 9, 2026, more than 30 days after OWCP's October 29, 2025 decision, it was untimely filed and she was, therefore, not entitled to an oral hearing as a matter of right.⁹

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 March 11, 2026 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.¹⁰ Accordingly, the Board finds that OWCP properly denied appellant's request for an oral hearing, as untimely filed, pursuant to 5 U.S.C. § 8124(b).

⁵ 20 C.F.R. § 10.616(a).

⁶ *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).

⁷ *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).

⁸ *S.L.*, *supra* note 6; *J.P.*, Docket No. 25-0860 (issued January 5, 2026); *J.C. (S.C.)*, Docket No. 24-0576 (issued August 28, 2024).

⁹ *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).

¹⁰ *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).

CONCLUSION

The Board finds that OWCP properly denied appellant's request for an oral hearing as untimely filed, pursuant to 5 U.S.C. § 8124(b).

ORDER

IT IS HEREBY ORDERED THAT the March 11, 2026 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: August 24, 2026
Washington, DC

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

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board