

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

FACTUAL HISTORY

On February 12, 2025 appellant, then a 57-year-old rural carrier, filed an occupational disease claim (Form CA-2) alleging that she developed a right shoulder condition due to factors of her federal employment, including repetitive motions such as using her right upper extremity to case mail, pull down and rubber band bundles, and open doors and mailboxes. She noted that she first became aware of her condition on October 1, 2024, and realized its relation to her federal employment on December 1, 2024. Appellant did not stop work.

In a February 20, 2025 development letter, OWCP informed appellant of the deficiencies of her claim. It advised her as to the type of factual and medical evidence required and provided a questionnaire for her 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 occupational disease claim, including comments from a knowledgeable supervisor. OWCP afforded the employing establishment 30 days to respond.

Appellant subsequently submitted medical evidence in support of her claim.

In a January 22, 2025 narrative report, Dr. John A. McCarthy, a Board-certified orthopedic surgeon, reported that appellant was a left-handed mail carrier for more than 10 years with the chief complaint of right shoulder pain and presented with nonspecific right shoulder pain since October. He reported a history of a rotator cuff repair 20 years prior. Dr. McCarthy provided examination findings and assessed right shoulder pain status post rotator cuff repair and impingement versus partial rotator cuff tear, right shoulder. He recommended a magnetic resonance imaging (MRI) scan of the right shoulder for further assessment.

In a February 5, 2025 report, Dr. McCarthy reported that appellant presented with significant and progressive pain over the right shoulder which increases when lifting packages away from her body and overhead when casing mail and causes her a hard time at work due to these limitations. He noted no recent trauma and a previous surgical reconstruction with a rotator cuff repair done almost 20 years prior. Dr. McCarthy reported that appellant had x-rays and an MRI scan of the right shoulder, which revealed a recurrent approximately 2x2 centimeter tear of the anterior aspect of the rotator cuff, significant arthrosis of the acromioclavicular (AC) joint, and some anterior superior arthrosis of her right shoulder appreciated. He diagnosed right rotator cuff tear, recurrent and glenohumeral joint arthrosis anterior superior right shoulder. Dr. McCarthy recommended a rotator cuff repair and provided appellant a steroid injection while she considered her options for surgical intervention.

In a February 5, 2025 work status note, Dr. McCarthy released appellant to work without restrictions.

A February 13, 2025 referral was provided from Dr. McCarthy for treatment of appellant's condition.

Physical therapy notes dated February 18 and 19, 2025 were also submitted, documenting treatment for appellant's upper right extremity.

In a February 21, 2025 work status note, Dr. McCarthy reported that appellant could return to work, effective February 21, 2025, with restrictions.

In a February 25, 2025 letter, J.H., an employing establishment supervisor, responded to OWCP's development letter reporting that she was a rural carrier since September 9, 2002 and had a rural route serving curbside and mailboxes for five days a week, eight hours per day. He described appellant's employment duties which included sorting and casing mail, pushing a four-wheel cart to her vehicle with the sorted mail and packages which she would load to her vehicle, and drive to deliver mailboxes while in the seated position. J.H. noted that she had never complained of feeling discomfort of the right shoulder due to her employment duties.

In a follow-up letter dated March 21, 2025, 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 February 20, 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 additional evidence.

In a March 20, 2025 report, Dr. McCarthy reported that appellant attempted to work within her restrictions, but had a flare-up of discomfort in her right shoulder and was unable to work. He noted marked weakness in initiation of abduction or significant functional use, provided examination findings, and diagnosed right rotator cuff tear with increasing functional loss and degenerative joint disease of the right shoulder associated with the rotator cuff tear. As this was a recurrent tear, it was discussed that surgery would proceed through the use of an allograft. Dr. McCarthy further reported that the surgery would not be addressing arthritis although by improving the dynamic function of the shoulder, he related that she may see a significant change in the mechanics of the shoulder which could affect her functional ability to use the shoulder.

In a work status note also dated March 20, 2025, Dr. McCarthy released appellant to work with restrictions, effective that date.

In a statement received on March 31, 2025, appellant responded to OWCP's development questionnaire and described her repetitive employment duties of casing mail, delivering mail to mailboxes and lifting, pushing, and pulling mail trays and packages for six to nine hours per day which she believed contributed to her condition. She noted no sports or hobbies that she engaged in outside of her federal employment.

In an April 24, 2025 report, Dr. McCarthy reported that appellant was evaluated following her right rotator cuff reconstruction with allograft and was doing well without any acute mechanical changes. He noted removing her sutures during this evaluation and that he would continue to monitor her progress.

By decision dated May 14, 2025, OWCP denied appellant's occupational disease claim, finding that the medical evidence of record was insufficient to establish causal relationship between the diagnosed condition and the accepted factors of her federal employment.

OWCP continued to receive evidence, including physical therapy reports dated February 18 and 19, 2025 documenting treatment for her right upper extremity.

In a June 4, 2025 report, Dr. McCarthy reported that appellant was evaluated two months out from her right rotator cuff repair with allograft augmentation and was doing reasonably well though still had some deep discomfort. He diagnosed unspecified rotator cuff tear or rupture of right shoulder, not specified as traumatic and recommended appellant progress with her physical therapy and remain off work. Dr. McCarthy further noted discussing a letter for causation which he would begin over time.

Appellant also submitted physical and occupational therapy orders dated June 4 through July 3, 2025 from Dr. McCarthy to treat her diagnosed conditions of right shoulder injury and right rotator cuff tear.

In a July 3, 2025 work status note, Dr. McCarthy reported that appellant was under his care and restricted from working.

On August 4, 2025 appellant requested reconsideration.

By decision dated August 18, 2025, OWCP denied appellant's request for reconsideration of the merits of her claim, pursuant to 5 U.S.C. § 8128(a).

LEGAL PRECEDENT -- ISSUE 1

An employee seeking benefits under FECA³ 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,⁴ 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.⁵ 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.⁶

To establish that an injury was sustained in the performance of duty in an occupational disease claim, an employee must submit the following: (1) a factual statement identifying

³ *Supra* note 1.

⁴ *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).

⁵ *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).

⁶ *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).

employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; (2) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; and (3) medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the employee.⁷

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.⁸ A physician's opinion on whether there is causal relationship between the diagnosed condition and the implicated employment factor(s) must be based on a complete factual and medical background.⁹ Additionally, the physician's opinion must be expressed in terms of a reasonable degree of medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and appellant's specific employment factor(s).¹⁰

ANALYSIS -- ISSUE 1

The Board finds that appellant has not met her burden of proof to establish a medical condition causally related to the accepted factors of her federal employment.

In support of her claim, appellant submitted medical records from Dr. McCarthy who provided examination findings, reviewed diagnostic testing, and diagnosed right rotator cuff tear, glenohumeral joint arthrosis anterior superior right shoulder, and degenerative joint disease of the right shoulder associated with the rotator cuff tear. He noted a history of rotator cuff tear from 20 years prior as this was a recurrent tear and performed a right shoulder rotator cuff reconstruction with allograft. Dr. McCarthy did not, however, provide an opinion on the cause of the diagnosed medical condition. The Board has held that 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.¹¹ Therefore, this evidence is insufficient to establish appellant's claim.

Appellant also submitted physical therapy reports dated February 18 and 19, 2025. However, certain health care providers such as nurses, physician assistants, and physical therapists are not considered physicians under FECA and, therefore, are not competent to provide a medical

⁷ *R.G.*, Docket No. 19-0233 (issued July 16, 2019); *see also Roy L. Humphrey*, 57 ECAB 238, 241 (2005); *Ruby I. Fish*, 46 ECAB 276, 279 (1994); *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁸ *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).

⁹ *M.V.*, Docket No. 18-0884 (issued December 28, 2018).

¹⁰ *J.D.*, Docket No. 22-0935 (issued December 16, 2022); *T.L.*, Docket No. 18-0778 (issued January 22, 2020); *F.S.*, Docket No. 18-0366 (issued January 22, 2020); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

¹¹ *See B.B.*, Docket No. 25-0661 (issued September 9, 2025); *G.R.*, Docket No. 25-0540 (issued June 26, 2025); *F.S.*, Docket No. 23-0112 (issued April 26, 2023); *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

opinion.¹² Consequently, their medical findings and/or opinions will not suffice for the purpose of establishing entitlement to FECA benefits.¹³ As such, this evidence is of no probative value and insufficient to establish appellant's claim.

As the medical evidence of record is insufficient to establish causal relationship between a medical condition and the accepted factors of federal employment, the Board finds that appellant has not met her burden of proof.¹⁴

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 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.¹⁵

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.¹⁶

A request for reconsideration must be received by OWCP within one year of the date of OWCP's decision for which review is sought.¹⁷ If it chooses to grant reconsideration, it reopens

¹² Section 8101(2) provides that physician includes surgeons, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, and osteopathic practitioners within the scope of their practice as defined by State law, 5 U.S.C. § 8101(2); 20 C.F.R. § 10.5(t). See Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.805.3a(1) (May 2023); *David P. Sawchuk*, 57 ECAB 316, 320 n.11 (2006) (lay individuals such as physician assistants, nurses, and physical therapists are not competent to render a medical opinion under FECA). See also *V.R.*, Docket No. 19-0758 (issued March 16, 2021) (a physical therapist is not considered a physician under FECA); *C.K.*, Docket No. 19-1549 (issued June 30, 2020) (physical therapists are not considered physicians as defined under FECA).

¹³ *Id.*; *N.B.*, Docket No. 19-0221 (issued July 15, 2019).

¹⁴ *I.D.*, Docket No. 22-0848 (issued September 2, 2022); *T.G.*, Docket No. 14-751 (issued October 20, 2014).

¹⁵ 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); *V.P.*, Docket No. 17-1287 (issued October 10, 2017); *W.C.*, 59 ECAB 372 (2008).

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

¹⁷ *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.

and reviews the case on its merits.¹⁸ 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.¹⁹

ANALYSIS -- ISSUE 2

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).²⁰

On August 4, 2025 appellant filed a request for reconsideration of a May 14, 2025 decision denying her occupational disease claim. However, she neither established that OWCP erroneously applied or interpreted a specific point of law, nor did she advance a relevant legal argument not previously considered by OWCP. Accordingly, appellant 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).²¹

On reconsideration, appellant submitted a June 4, 2025 report from Dr. McCarthy, physical and occupational therapy orders dated June 4 through July 3, 2025, and a July 3, 2025 work status note. However, these reports are substantially similar to prior reports received from Dr. McCarthy.²² Appellant also resubmitted physical therapy reports dated February 18 and 19, 2025 previously of record. The Board has held that the submission of evidence or argument that repeats or duplicates evidence or argument previously of record does not constitute a basis for reopening a case.²³ Because appellant did not provide any relevant and pertinent new evidence, she is not entitled to a review of the merits based on the third above-noted requirement under 20 C.F.R. § 10.606(b)(3).

The Board, therefore, 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 appellant has not met her burden of proof to establish a medical condition causally related to the accepted factors of her federal employment. The Board further finds that OWCP properly denied appellant's request for reconsideration of the merits of her claim, pursuant to 5 U.S.C. § 8128(a).

¹⁸ *Id.* at § 10.608(a); *see also M.S.*, 59 ECAB 231 (2007).

¹⁹ *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).

²⁰ *T.R.*, Docket No. 23-0287 (issued June 23, 2023).

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

²² *J.B.*, Docket No. 22-1166 (issued April 3, 2023); *S.H.*, Docket No. 22-1179 (issued January 17, 2023); *S.E.*, Docket No. 17-0222 (issued December 21, 2018); *T.H.*, Docket Nos. 17-1578 and 17-1651 (issued April 26, 2018); *Eugene F. Butler*, 36 ECAB 393, 398 (1984).

²³ *Id.*

ORDER

IT IS HEREBY ORDERED THAT the May 14 and August 18, 2025 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: February 13, 2026
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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