

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

J.M., Appellant

and

**U.S. POSTAL SERVICE, BOGGS ROAD POST
OFFICE, Duluth, GA, Employer**

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**Docket No. 25-0916
Issued: January 15, 2026**

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

ORDER REMANDING CASE

Before:

ALEC J. KOROMILAS, Chief Judge

JANICE B. ASKIN, Judge

VALERIE D. EVANS-HARRELL, Alternate Judge

On September 17, 2025 appellant filed a timely appeal from a July 21, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards docketed the appeal as No. 25-0916.¹

On April 22, 2025 appellant, then a 64-year-old mail handler, filed an occupational disease claim (Form CA-2) alleging that she developed a left-sided full-thickness rotator cuff tear and headaches due to factors of her federal employment involving her repetitive employment duties. She noted that she first became aware of her condition and realized its relation to her federal employment on September 15, 2021.

In support of her claim, appellant submitted medical reports and work status notes dated March 7 through April 25, 2025 from Dr. Michael Ferrell, a Board-certified orthopedic surgeon. Dr. Ferrell evaluated appellant for a left shoulder injury, reviewed diagnostic findings, provided subacromial injections, restricted appellant to light-duty work, and diagnosed strain of muscle and

¹ The Board notes that, following the July 21, 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.*

tendon of rotator cuff of left shoulder, full-thickness rotator cuff tear, carpal tunnel syndrome of left wrist, trigger finger of left hand, and left knee effusion.

In an April 21, 2025 report, Dr. Brandon Dawkins, Board-certified in occupational medicine, evaluated appellant and diagnosed unspecified sprain of left shoulder. In support of her claim, appellant also submitted diagnostic studies, along with progress reports and work status notes from physician assistants dated March 7 through April 25, 2025.

In a May 7, 2025 development letter, OWCP informed appellant of the deficiencies of her claim. It noted that it had not received any documentation with her claim form and 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 additional information from the employing establishment, including comments from a knowledgeable supervisor regarding the accuracy of the employee's statements, and factual and medical evidence related to appellant in the course of her federal employment. OWCP afforded the employing establishment 30 days to respond.

In response to OWCP's development letter, appellant submitted factual and medical evidence in support of her claim including medical reports, forms, and work status notes dated January 17 through May 12, 2025 from Drs. Dawkins and Ferrell documenting treatment for her left shoulder and bilateral knee conditions.

On May 22, 2025, appellant responded to OWCP's questionnaire and described her history of injury and factors of federal employment. On June 4, 2025, the employing establishment responded to OWCP and provided further information pertaining to appellant's employment duties and reported injury.

In a follow-up letter dated June 4, 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 May 7, 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 response to OWCP's development letter, appellant submitted Dr. Ferrell's May 14, 2025 attending physician's report (Form CA-20). She also submitted an additional statement on June 23, 2025 describing the circumstances surrounding her injury and her factors of federal employment.

By decision dated July 21, 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.

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

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.² 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.³ 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.⁴

In its July 21, 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 her occupational disease claim.⁵ Rather, it summarily denied appellant's claim, without identifying the specific medical evidence reviewed or sufficiently explaining why the medical evidence of record was insufficient to establish causal relationship between the diagnosed condition and the accepted employment factors. In its decision, OWCP reported that appellant filed her occupational disease claim on April 22, 2025 but provided no additional evidence with the initial claim. It further noted that appellant failed to respond to its May 7, 2025 development letter, as well as the June 4, 2025 follow-up letter, as no further evidence was received as requested. The Board notes, however, that appellant submitted medical evidence from Drs. Ferrell and Dawkins, dated January 17 through May 14, 2025, in support of her claim which were not specifically addressed by OWCP in its July 21, 2025 decision.⁶ Rather, it summarily denied appellant's occupational disease claim without complying with the review requirements of FECA and its implementing regulations.⁷

The Board therefore finds that 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 the decision, *i.e.*, whether she had met her burden of proof to establish a medical condition causally related to the accepted factors of her federal employment.⁸ The case must therefore be remanded to OWCP to provide detailed reasons for accepting or rejecting the claim.⁹

² 5 U.S.C. § 8124(a).

³ 20 C.F.R. § 10.126.

⁴ 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).

⁵ See *D.O.*, Docket No. 22-0315 (issued June 29, 2022).

⁶ *E.H.*, Docket No. 21-1295 (issued April 25, 2022); see also *Order Remanding Case, C.G.*, Docket No. 20-0051 (issued June 29, 2020); *Order Remanding Case, K.K.*, Docket No. 19-0652 (issued September 19, 2019); *R.T.*, Docket No. 19-0604 (issued September 13, 2019); *R.C.*, Docket No. 16-0563 (issued May 4, 2016).

⁷ See *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).

⁸ See *Order Remanding Case, T.T.*, 25-0523 (issued June 24, 2025).

⁹ See *A.J.*, Docket No. 21-0944 (issued March 23, 2022); *S.S.*, Docket No. 20-1351 (issued February 15, 2022).

Therefore, the Board shall set aside OWCP's July 21, 2025 decision and remand the case for findings of fact and a statement of reasons for its decision pursuant to the standard set forth in section 5 U.S.C. § 8124(a) and 20 C.F.R. § 10.126. After any further development as OWCP deems necessary, OWCP shall issue a *de novo* decision.¹⁰

IT IS HEREBY ORDERED THAT the July 21, 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: January 15, 2026
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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

¹⁰ On return of the case record, OWCP may consider administratively combining OWCP File No. xxxxxx947 with the current claim.