

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

C.W., Appellant

and

U.S. POSTAL SERVICE, SAN FRANCISCO
PROCESSING & DISTRIBUTION CENTER,
San Francisco, CA, Employer

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Docket No. 26-0405
Issued: July 7, 2026

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

Case Submitted on the Record

DECISION AND ORDER

Before:

ALEC J. KOROMILAS, Chief Judge

JANICE B. ASKIN, Judge

VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On March 14, 2026¹ appellant filed a timely appeal from a September 16, 2025 merit decision and a December 30, 2025 nonmerit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act² (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.³

¹ Pursuant to the Board's *Rules of Procedure*, an appeal is considered filed when received by the Clerk of the Appellate Boards. 20 C.F.R. § 501.3(e)-(f). However, when the date of receipt would result in a loss of appeal rights, the appeal will be considered to have been filed as of the date of the U.S. Postal Service postmark or other carriers date markings. *Id.* at § 501.3(f)(1). The 180th day following OWCP's September 16, 2025 decision was Sunday, March 15, 2026. Because using March 23, 2026, the date the appeal was received by the Clerk of the Appellate Boards, would result in the loss of appeal rights, the date of the postmark is considered the date of filing. The date of the U.S. Postal Service postmark is March 14, 2026, rendering the appeal timely filed.

² 5 U.S.C. § 8101 *et seq.*

³ The Board notes that, following the December 30, 2025 decision, appellant submitted additional evidence to OWCP. However, the Board's *Rules of Procedure* 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.*

ISSUES

The issues are: (1) whether appellant has met his burden of proof to establish a medical condition causally related to the accepted factors of his federal employment; and (2) whether OWCP properly denied appellant's request for reconsideration of the merits of his claim, pursuant to 5 U.S.C. § 8128(a).

FACTUAL HISTORY

On March 23, 2025 appellant, then a 59-year-old sales services distribution associate, filed an occupational disease claim (Form CA-2) alleging that he developed left ankle and foot conditions due to factors of his federal employment, including pushing large containers and carrying boxes weighing up to 70 pounds. He noted that his job duties "brought back an old injury" from which he had previously recovered. Appellant indicated that he first became aware of his condition and realized its relation to his federal employment on February 11, 2025. He stopped work on February 11, 2025 and returned to light-duty work on February 12, 2025.

On February 12, 2025 Dr. Vincent Nguyen, a Board-certified family practitioner, provided work restrictions to allow for the injury to heal correctly.

In an April 4, 2025 development letter, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence needed to establish his claim and provided a questionnaire for his completion. OWCP afforded appellant 60 days to submit the necessary evidence. No evidence was received.

In a follow-up letter dated May 1, 2025, OWCP advised appellant that it had conducted an interim review, and the evidence submitted remained insufficient to establish his claim. It noted that he had 60 days from the April 4, 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. No evidence was received.

By decision dated June 5, 2025, OWCP denied appellant's occupational disease claim, finding that he had not established a medical diagnosis in connection with the accepted factors of his federal employment. Consequently, it found that he had not met the requirements to establish an injury as defined by FECA.

OWCP subsequently received additional evidence. In an April 17, 2025 report, Dr. Jessica Hsu, a podiatrist, related appellant's work duties of pushing, lifting, and pulling and diagnosed left foot severe pes planovalgus and pain, left posterior tibial tendon dysfunction (PTTD), left posterior tibial tendinitis, and right foot moderate pes planovalgus. She reviewed a March 26, 2025 magnetic resonance imaging (MRI) scan which demonstrated severe tenosynovitis of the posterior tibial tendon with a partial tear and mild arthritic changes to the posterior talus. In a separate note of even date, Dr. Hsu related that appellant should use a walking boot at work when walking and standing.

On May 1, 2025 appellant described his work duties of moving, loading, and unloading containers for four to five hours a day five days a week. He noted that he also sorted and scanned packages weighing up to 70 pounds while walking and pivoting on his feet. Appellant

related that he had not undergone left foot surgery but received cortisone shots for pain once a year.

In narrative and form reports dated July 7, 2025 and a July 21, 2025 narrative report, Dr. William Trolan, a physician specializing in emergency medicine, described appellant's employment activities of unloading and scanning boxes which caused more pain and irritation to his left ankle and foot area. He related that prior to his federal employment appellant had left ankle pain issues and received steroid injections every six to eight months. Dr. Trolan performed a physical examination and diagnosed strain and osteoarthritis of the left ankle. He provided work restrictions.

On August 12, 2025 Dr. Michael Fujinaka, a physician Board-certified in pain medicine, completed an attending physician's report (Form CA-20) diagnosing partial insertional tear involving the distal left posterior tibial tendon, posterior tibial tendinitis, and tenosynovitis. He related that appellant sustained an aggravation of his preexisting tendon tear that was stable and did not require surgery. Dr. Fujinaka determined that while working at the employing establishment appellant's repetitive work duties of handling 4,000 to 6,000 packages, pushing bins weighing several thousand pounds, prolonged standing and walking caused the preexisting tendon tear to worsen and progress to surgical severity. He opined that appellant's work activities caused or aggravated the diagnosed conditions.

On September 11, 2025 appellant requested reconsideration.

By decision dated September 16, 2025, OWCP modified the June 5, 2025 decision to find that appellant had established medical diagnoses in connection with the accepted employment factors. However, the claim remained denied as the medical evidence of record was insufficient to establish causal relationship between a diagnosed medical condition and the accepted factors of his federal employment.

On December 8, 2025 appellant requested reconsideration. He resubmitted Dr. Trolan's July 7, 2025 narrative and form reports.

By decision dated December 30, 2025, OWCP denied appellant's December 8, 2025 request for reconsideration of the merits of his claim, pursuant to 5 U.S.C. § 8128(a).

LEGAL PRECEDENT – ISSUE 1

An employee seeking benefits under FECA⁴ 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,⁵ 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

⁴ *Supra* note 2.

⁵ *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).

employment injury.⁶ 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.⁷

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 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.⁸

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.⁹ 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.¹⁰ 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).¹¹

ANALYSIS -- ISSUE 1

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

In an August 12, 2025 Form CA-20, Dr. Fujinaka diagnosed partial insertional tear involving the distal left posterior tibial tendon, posterior tibial tendinitis, and tenosynovitis. He related that appellant had sustained an aggravation of his preexisting tendon tear that was stable and did not require surgery. Dr. Fujinaka determined that while working at the employing establishment his repetitive work duties of handling 4,000 to 6,000 packages, pushing bins weighing several thousand pounds, prolonged standing and walking caused the preexisting tendon tear to worsen and progress to surgical severity. He opined that appellant's work activities caused or aggravated the diagnosed conditions. While Dr. Fujinaka offered an affirmative opinion in support of causal relationship, he did not provide sufficient rationale to

⁶ *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).

⁷ *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).

⁸ *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).

⁹ *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).

¹⁰ *M.V.*, Docket No. 18-0884 (issued December 28, 2018).

¹¹ *J.D.*, Docket No. 22-0935 (issued December 16, 2022); *T.L.*, Docket No. 18-0778 (issued January 22, 2020); *Y.S.*, Docket No. 18-0366 (issued January 22, 2020); *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

support his opinion.¹² He also did not explain how the work activities worsened appellant's preexisting right ankle condition. The Board has held that a report is of limited probative value regarding causal relationship if it does not contain sufficient medical rationale explaining how a given medical condition/disability was related to the employment factors.¹³ Furthermore, if a condition is preexisting, the physician must provide a rationalized medical opinion that differentiates between the effects of the work-related condition and the preexisting condition.¹⁴ This evidence is, therefore, insufficient to establish the claim.

In reports dated July 7 through 21, 2025, Dr. Trolan, described appellant's employment activities, related that prior to his federal employment appellant had left ankle pain issues, and diagnosed strain and osteoarthritis of the left ankle. On April 17, 2025 Dr. Hsu described appellant's work duties and diagnosed left foot severe pes planovalgus and pain, left PTTD, left posterior tibial tendinitis, and right foot moderate pes planovalgus. On February 12, 2025 Dr. Nguyen provided work restrictions to allow for the injury to heal correctly. Neither of these physicians provided an opinion on the causal relationship between appellant's diagnosed medical conditions and the accepted factors of his federal employment. 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.¹⁵ This evidence is, therefore, insufficient to establish appellant's claim.

Appellant also submitted diagnostic studies in support of his claim. The Board has held, however, that diagnostic studies, standing alone, lack probative value as they do not address whether the employment factors caused or aggravated any of the diagnosed conditions.¹⁶ This evidence is insufficient to meet appellant's burden of proof.

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 his burden of proof.

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.

¹² See *D.J.*, Docket No. 26-0267 (issued May 15, 2026); *J.S.*, Docket No. 25-0231 (issued March 7, 2025); *A.C.*, Docket No. 24-0661 (issued September 11, 2024); *R.B.*, Docket No. 23-1027 (issued April 3, 2024); *S.B.*, Docket No. 24-0064 (issued February 28, 2024); *S.C.*, Docket No. 21-0929 (issued April 28, 2023); *J.D.*, Docket No. 19-1953 (issued January 11, 2021); *M.W.*, Docket No. 14-1664 (issued December 5, 2014).

¹³ See *J.S.*, Docket No. 23-0930 (issued January 2, 2024); *D.Y.*, Docket No. 20-0112 (issued June 25, 2020); *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

¹⁴ See *G.D.*, Docket No. 20-0966 (issued July 21, 2022); *R.C.*, Docket No. 19-0376 (issued July 15, 2019); Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.805.3e (January 2013).

¹⁵ See *D.J.*, *supra* note 12; *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

¹⁶ *F.D.*, Docket No. 19-0932 (issued October 3, 2019).

LEGAL PRECEDENT – ISSUE 2

Section 8128(a) of FECA does not entitle a claimant to the review of an OWCP decision as a matter of right.¹⁷ OWCP has discretionary authority in this regard and has imposed certain limitations in exercising its authority.¹⁸ One such limitation is that the request for reconsideration must be received by OWCP within one year of the date of the decision for which review is sought.¹⁹

A timely request for reconsideration, including all supporting documents, must set forth arguments, and contain evidence that either: (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.²⁰ When a timely request for reconsideration does not meet at least one of the above-noted requirements, OWCP will deny the request for reconsideration without reopening the case for a review on the merits.²¹

ANALYSIS -- ISSUE 2

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

On December 8, 2025 appellant requested reconsideration of the September 16, 2025 decision denying his occupational disease claim. However, he neither established that OWCP erroneously applied or interpreted a specific point of law, nor advanced a relevant legal argument not previously considered by OWCP. Accordingly, the Board finds that 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).²²

In support of his December 8, 2025 request for reconsideration, appellant resubmitted the July 7, 2025 narrative and form reports completed by Dr. Trolan. He did not submit any relevant and pertinent new evidence with his request for reconsideration. The Board has held that the submission of evidence or argument that repeats or duplicates evidence or argument previously

¹⁷ 5 U.S.C. § 8128(a).

¹⁸ 20 C.F.R. § 10.607.

¹⁹ *Id.* at § 10.607(a). For merit decisions issued on or after August 29, 2011, a request for reconsideration must be received by OWCP within one year of OWC's decision for which review is sought. 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.

²⁰ *Id.* at § 10.606(b)(3); *see L.F.*, Docket No. 20-1371 (issued March 12, 2021); *B.R.*, Docket No. 19-0372 (issued February 20, 2020).

²¹ *Id.* at § 10.608.

²² *See A.R.*, Docket No. 26-0105 (issued April 14, 2026); *L.W.*, Docket No. 21-0607 (issued October 18, 2022).

of record does not constitute a basis for reopening a case.²³ Because appellant did not provide any relevant and pertinent new evidence, he 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 his burden of proof to establish a medical condition causally related to the accepted factors of his federal employment. The Board further finds that OWCP properly denied appellant's request for reconsideration of the merits of his claim, pursuant to 5 U.S.C. § 8128(a).

ORDER

IT IS HEREBY ORDERED THAT September 16, and December 30, 2025 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: July 7, 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

²³ See *K.N.*, Docket No. 26-0114 (issued May 1, 2026); *J.K.*, Docket No. 26-0115 (issued March 25, 2026); *L.C.*, Docket No. 25-0444 (issued April 23, 2025); *C.C.*, Docket No. 25-0191 (issued February 12, 2025); *Eugene F. Butler*, 36 ECAB 393, 398 (1984).