

³ Under OWCP File No. xxxxx1814, OWCP accepted a traumatic injury claim (Form CA-1) of February 2, 2018 for sprain of left knee, sprain of left elbow, unspecified and other internal derangement of left knee, other tear of medial meniscus, intervertebral disc disorders with myelopathy, intervertebral disc disorders with radiculopathy, and loose body in left elbow.

On August 16, 2021 appellant filed a notice of recurrence (Form CA-2a) for time lost from work, stating that he returned to work on June 19, 2021 and sustained a recurrence of disability on August 12, 2021. He stated that he developed a mental illness, post-traumatic stress disorder (PTSD), panic and anxiety disorders, depressed mood and aggravation of existing ongoing medical conditions from his April 8, 2021 job injury⁴ due to the January 8, 2021 work incident. Appellant submitted medical evidence.

On February 27, 2022, appellant filed a claim for compensation (Form CA-7) for disability from work during the period March 12 through June 19, 2021.

By decision dated April 19, 2022, OWCP denied appellant's claim for wage-loss compensation for the period March 12 through June 19, 2021, finding that the evidence of record was insufficient to establish he was disabled as a result of his accepted condition.

On April 26, 2022 appellant, through counsel, requested an oral hearing before a representative of OWCP's Branch of Hearings and Review. A hearing was held on August 8, 2022.

Appellant filed CA-7 forms for wage-loss compensation commencing August 16, 2021. He submitted additional medical evidence.

By decision dated October 27, 2022, OWCP's hearing representative set aside the April 19, 2022 decision, finding that OWCP made no formal decision on the claim for recurrence of disability effective August 12, 2021, or whether the claim should be expanded to include psychiatric/emotional conditions.

OWCP subsequently received additional medical evidence.

On February 9, 2023, OWCP denied expansion of the acceptance of the claim to include additional diagnoses of post-concussion syndrome, chronic migraine, epilepsy, loss of consciousness, seizure, adjustment disorder with mixed anxiety, depressed mood (depression), post-traumatic stress disorder, and lumbar radiculopathy as a result of, or consequential to, the January 8, 2021 employment injury.

By separate decision dated February 9, 2023, OWCP denied appellant's claim for disability from work for the period March 12 through June 19, 2021, finding that the medical evidence of record was insufficient to establish disability from work during the claimed period causally related to the accepted employment injury.

By a third decision dated February 9, 2023, OWCP denied appellant's claim for a recurrence of disability commencing August 12, 2021, finding that the medical evidence of record was insufficient to establish disability from work during the claimed period causally related to the accepted employment injury.

On June 16, 2023 appellant requested reconsideration of all three February 9, 2023 OWCP decisions and submitted additional evidence.

⁴ See *id.*

By decision September 13, 2023, OWCP denied modification of the three February 9, 2023 decisions.

On September 17, 2025 appellant requested reconsideration of the September 13, 2023 decision. He submitted additional evidence, including a progress report from Dr. Sean Yancy, a Board-certified psychiatrist, dated August 16, 2021, medication management notes, and therapy visit summaries from 2021 through 2023.

By decision dated November 3, 2025, OWCP summarily denied appellant's request for reconsideration of the merits of his claim, finding that it was untimely filed and failed to demonstrate clear evidence of error.

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

OWCP summarily denied appellant's request for reconsideration without complying with the review requirements of FECA and its implementing regulations.⁵ 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.⁶ 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.⁷ 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.⁸

In its November 3, 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 clear evidence of error.

The Board shall therefore set aside OWCP's November 3, 2025 decision and remand the case for an appropriate decision, which describes the evidence submitted and provides detailed reasons for accepting or rejecting the reconsideration request.⁹ Accordingly,

⁵ 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).

⁶ 5 U.S.C. § 8124(a).

⁷ 20 C.F.R. § 10.126.

⁸ 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).

⁹ See *T.B.*, *supra* note 5; *Order Remanding Case, M.B.*, Docket No. 22-1026 (issued January 25, 2023); *Order Remanding Case, P.G.*, Docket No. 17-1461 (issued February 7, 2019); *R.T.*, Docket No. 19-0604 (issued September 13, 2019). See also *J.S.*, Docket No. 26-0220 (issued May 15, 2026).

IT IS HEREBY ORDERED THAT the November 3, 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: July 27, 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