

K.A., Appellant

**U.S. POSTAL SERVICE, WESTSIDE POST
OFFICE, Oklahoma City, OK, Employer**

Case Submitted on the Record

Before:

JURISDICTION

ISSUES

¹ 5 U.S.C. § 8101 *et seq.*

FACTUAL HISTORY

On January 3, 2025 appellant, then a 59-year-old mail equipment handler, filed an occupational disease claim (Form CA-2) alleging that she sustained knee and hip pain due to factors of her federal employment, including being struck by a postal container when an equipment operator backed up. She noted that she first became aware of her conditions on December 31, 2024 and realized their relation to her federal employment on January 1, 2025.

In a January 22, 2025 development letter, OWCP informed appellant of the deficiencies of her claim. It advised her of 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. No response was received.

In a follow-up development letter dated March 3, 2025, OWCP advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish her claim. It provided a copy of the development questionnaire for her completion. OWCP noted that appellant had 60 days from the January 22, 2025 letter to submit the necessary evidence. It 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.

OWCP subsequently received a February 17, 2025 magnetic resonance imaging (MRI) scan of the lumbar spine which demonstrated an impression of multilevel spondylotic changes without focal neural compression.

OWCP also received a February 18, 2025 MRI scan of the right hip, which demonstrated an impression of a small undersurface tear of the anterior superior labrum.

By decision dated March 24, 2025, OWCP denied appellant's occupational disease claim, finding that she had not established that the claimed incident occurred on December 31, 2024, as alleged. It, therefore, concluded that the requirements had not been met to establish an injury as established by FECA.

OWCP subsequently received reports dated February 7 and March 11, 2025 wherein Dr. Donald R. Barney, an osteopath specializing in family practice, recounted the December 31, 2024 employment incident in which an equipment operator backed up into a postal container from which appellant was retrieving mail, pushing the postal container into the right side of her body. Dr. Barney related appellant's symptoms of band-like headaches, and pain in both knees and hips, neck, mid-back, and lower back. On examination, he observed tenderness to palpation along the right chest wall, right hip bursa, and lumbar and sacral regions, and muscle spasms in the cervical spine region, and provided diagnoses. In an April 8, 2025 report, Dr. Barney repeated his findings and provided diagnoses. He opined that "[t]enderness to palpation continues to be present in the described injured body parts due to the trauma caused on the above[-]mentioned date of injury."

OWCP also received appellant's March 22, 2025 response to OWCP's development questionnaire, wherein she clarified that based on the provided definitions of traumatic injury and occupational disease, she claimed a traumatic injury as she was hit by equipment that pushed a postal container into her, affecting her lower back and right hip.

On November 10, 2025 appellant requested reconsideration.

In a November 21, 2025 statement, appellant explained that an equipment operator struck a postal container and the postal container then struck her. She subsequently experienced “problems with [her] lower body.”

By decision dated February 5, 2026, OWCP modified the prior decision to find that appellant had established fact of injury, as her March 22, 2025 statement was sufficient to establish the alleged December 31, 2024 employment incident occurred as alleged. However, the claim remained denied, as the medical evidence of record was insufficient to establish causal relationship between appellant’s diagnosed conditions and the accepted December 31, 2024 employment incident.

On March 4, 2026 appellant, *via* OWCP’s Employees’ Compensation Operations & Management Portal (ECOMP), requested an oral hearing before a representative of OWCP’s Branch of Hearings and Review.

By decision dated March 19, 2026, OWCP denied appellant’s hearing request, pursuant to 5 U.S.C. § 8124(b). It found that she was not entitled to a hearing as a matter of right as she had previously requested reconsideration. OWCP further denied appellant’s request as the issue in this case could equally well be addressed by another request for reconsideration and submission of additional evidence to OWCP.

LEGAL PRECEDENT -- ISSUE 1

An employee seeking benefits under FECA² has the burden of proof to establish the essential elements of his or her claim including the fact that the individual is an employee of the United States within the meaning of FECA, that the claim was timely filed, 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.³ These are the essential elements of every compensation claim regardless of whether the claim is predicated on a traumatic injury or an occupational disease.⁴

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it first must be determined whether fact of injury has been established. There are two components involved in establishing fact of injury. First, the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the

² *Id.*

³ *C.G.*, Docket No. 20-0058 (issued September 30, 2021); *S.B.*, Docket No. 17-1779 (issued February 7, 2018); *J.P.*, 59 ECAB 178 (2007); *Joe D. Cameron*, 41 ECAB 153 (1989).

⁴ *J.M.*, Docket No. 17-0284 (issued February 7, 2018); *R.C.*, 59 ECAB 427 (2008); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

time and place, and in the manner alleged. Second, the employee must submit sufficient evidence to establish that the employment incident caused an injury.⁵

The medical evidence required to establish causal relationship between a claimed specific condition and an employment incident is rationalized medical opinion evidence.⁶ The opinion of the physician must be based on a complete factual and medical background of the employee, must be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment incident identified by the claimant.⁷

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 December 31, 2024 employment incident.

In medical reports dated February 7 and March 11, 2025, Dr. Barney provided a history of the December 31, 2024 employment incident, examination findings, and diagnoses. However, he did not provide an opinion on whether appellant's diagnoses were causally related to the accepted employment incident. 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.⁸ These reports, therefore, are insufficient to establish appellant's claim.

In his April 8, 2025 report, Dr. Barney repeated his findings and provided diagnoses. He opined that tenderness to palpation in the injured members of the body was "due to the trauma caused on the above[-]mentioned date of injury." However, he failed to provide rationale for his conclusory opinion that the accepted December 31, 2024 employment incident caused trauma or injury. The Board has held that medical evidence that does not offer a rationalized explanation by the physician of how the accepted employment incident physiologically caused or aggravated the

⁵ *T.H.*, Docket No. 19-0599 (issued January 28, 2020); *K.L.*, Docket No. 18-1029 (issued January 9, 2019); *John J. Carlone*, 41 ECAB 354 (1989).

⁶ *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).

⁷ *T.B.*, Docket No. 26-0372 (issued June 30, 2026); *A.S.*, Docket No. 19-1955 (issued April 9, 2020); *Leslie C. Moore*, 52 ECAB 132 (2000).

⁸ *See L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

diagnosed condition(s) is of limited probative value.⁹ This evidence is therefore insufficient to establish the claim.

Appellant also submitted diagnostic test results from February 2025. However, diagnostic studies, standing alone, lack probative value on causal relationship as they do not address whether employment factors caused the diagnosed condition.¹⁰

As the medical evidence of record is insufficient to establish a medical condition causally related to the accepted December 31, 2024 employment incident, the Board finds that appellant has not met her 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 and 20 C.F.R. §§ 10.605 through 10.607.

LEGAL PRECEDENT -- ISSUE 2

A claimant dissatisfied with an OWCP decision shall be afforded an opportunity for either an oral hearing or a review of the written record.¹¹ Section 8124(b) of FECA, concerning a claimant's entitlement to a hearing, 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."¹²

OWCP's regulations further explain that the claimant must have not previously submitted a reconsideration request (whether or not it was granted) on the same decision.¹³ Although a claimant who has previously sought reconsideration is not, as a matter of right, entitled to a hearing or review of the written record, the Branch of Hearings and Review may exercise its discretion to either grant or deny a hearing following reconsideration.¹⁴

⁹ *T.B.*, *id.*; *S.E.*, Docket No. 26-0036 (issued January 29, 2026); *S.B.*, Docket No. 21-0646 (issued July 22, 2022); *T.L.*, Docket No. 23-0073 (issued January 9, 2023); *V.D.*, Docket No. 20-0884 (issued February 12, 2021); *Y.D.*, Docket No. 16-1896 (issued February 10, 2017).

¹⁰ *V.C.*, Docket No. 26-0380 (issued June 29, 2026); *C.S.*, Docket No. 19-1279 (issued December 30, 2019).

¹¹ 5 U.S.C. § 8124(b)(1); 20 C.F.R. § 10.615.

¹² *Id.* at § 8124(b)(1).

¹³ *Id.*

¹⁴ *See E.C.*, Docket No. 26-0326 (issued May 20, 2026); *B.B.*, Docket No. 25-0661 (issued September 9, 2025); *C.V.*, Docket No. 23-0782 (issued June 17, 2025); *H.T.*, Docket No. 20-1318 (issued April 27, 2021); *E.S.*, Docket No. 19-1144 (issued August 3, 2020); *J.C.*, Docket No. 19-1293 (issued December 16, 2019); *T.M.*, Docket No. 18-1418 (issued February 7, 2019); *M.W.*, Docket No. 16-1560 (issued May 8, 2017); *D.E.*, 59 ECAB 438 (2008); *Hubert Jones, Jr.*, 57 ECAB 467 (2006).

ANALYSIS -- ISSUE 2

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

On March 4, 2026 appellant requested an oral hearing before a representative of OWCP's Branch of Hearings and Review. However, appellant had previously requested reconsideration of the merits of her claim on November 10, 2025. The Board finds that as appellant had previously requested reconsideration, she was not entitled to an oral hearing as a matter of right under 5 U.S.C. § 8124(b)(1).¹⁵ OWCP properly exercised its discretion and determined that the issue in the case could be equally well addressed through a request for reconsideration and the submission of new evidence.¹⁶ The Board has held that the only limitation on OWCP's discretionary authority is reasonableness. Abuse of discretion is generally shown through proof of manifest error, a clearly unreasonable exercise of judgment, or actions taken which are contrary to logic and deductions from known facts.¹⁷

Therefore, the Board finds that OWCP properly denied appellant's March 4, 2026 request for an oral hearing, pursuant to 5 U.S.C. § 8124(b).

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish a medical condition causally related to the accepted December 31, 2024 employment incident. The Board further finds that OWCP properly denied appellant's request for an oral hearing, pursuant to 5 U.S.C. § 8124(b).

¹⁵ 20 C.F.R. § 10.616(a); *E.C.*, *id.*; *C.V.*, *id.*; *L.L.*, Docket No. 23-1179 (issued March 1, 2024); *E.S.*, Docket No. 19-1144 (issued August 3, 2020); *J.C.*, Docket No. 19-1293 (issued December 16, 2019); *T.M.*, Docket No. 18-1418 (issued February 7, 2019); *J.H.*, Docket No. 17-1796 (issued February 6, 2018).

¹⁶ *Id.*

¹⁷ *See S.I.*, Docket No. 22-0538 (issued October 3, 2022); *R.Z.*, Docket No. 10-1915 (issued May 19, 2011).

ORDER

IT IS HEREBY ORDERED THAT the February 5 and March 19, 2026 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: July 29, 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