

¹ In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; *see also* 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

the present claim OWCP File No. xxxxxx918 and accepted it for lumbar sprain and displacement of lumbar intervertebral disc.²

OWCP paid appellant compensation on the supplemental and periodic rolls for the period November 11, 1991 through September 2, 1996. Appellant subsequently returned to work, but stopped work again in December 1996 and did not return.

On August 26, 2021 appellant filed a claim for compensation (Form CA-7) for disability from work for the period January 1, 2014 through July 31, 2021. OWCP received medical and factual evidence in support of his disability claim.

By decision dated October 6, 2021, OWCP denied appellant's claim for compensation, finding that the medical evidence of record was insufficient to establish disability from work commencing January 1, 2014 due to his accepted September 9, 1991 employment injury.

On September 30, 2025 appellant filed a claim for wage-loss compensation (Form CA-7) for the period January 1 through September 30, 2025. On October 6, 2025 he filed additional Form CA-7's for the periods January 1, 2022 through December 31, 2022; January 1, 2023 through December 31, 2023; and January 1, 2024 through December 31, 2024. On October 9, 2025 appellant filed a Form CA-7 for the period August 21, 1993 through November 25, 1994.

By decision dated October 28, 2025, OWCP summarily denied appellant's Form CA-7 claims for wage loss compensation.³

In an appeal request form postmarked on November 8, 2025, appellant requested an oral hearing before a representative of OWCP's Branch of Hearings and Review.

By decision dated November 13, 2025, OWCP denied appellant's request for an oral hearing/review of the written record, finding that the request was not made within 30 days of the October 6, 2021 decision and, therefore, was untimely filed.

The Board finds that this case is not in posture for decision.

In its October 28, 2025 decision, OWCP summarily denied appellant's CA-7 claims for wage-loss compensation without complying with the review requirements of FECA and its

² Appellant has a prior traumatic injury claim (Form CA-1) before OWCP alleging that on December 28, 1990 he sustained a low back injury when he exerted pressure as he pressed the brake pedal to stop his vehicle while in the performance of duty. OWCP assigned that claim OWCP File No. xxxxxx365 and accepted it for lumbosacral sprain. OWCP has administratively combined OWCP File Nos. xxxxxx365 and xxxxxx918, with the latter designated as the master file.

³ The Board finds that OWCP's October 28, 2025 letter constitutes a final adverse decision. In considering whether a document constitutes a final decision, it is not the form, but the content and the intention of OWCP that is determinative. *B.K.*, Docket No. 23-0126 (issued May 10, 2023); *K.K.*, Docket No. 19-0652 (issued September 19, 2019); see *Henry F. Dyer*, Docket No. 05-452 (issued May 13, 2005).

implementing regulations.⁴ 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.⁵ 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.⁶ 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 type of evidence which would overcome it.⁷

In its October 28, 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.

The Board shall therefore set aside OWCP's October 28, 2025 decision and remand the case for a *de novo* decision, which describes the evidence submitted and provides detailed reasons for accepting or rejecting appellant's claims for wage-loss compensation.⁸

⁴ 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).

⁵ 5 U.S.C. § 8124(a).

⁶ 20 C.F.R. § 10.126.

⁷ 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).

⁸ See *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).

IT IS HEREBY ORDERED THAT the October 28, 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. The November 13, 2025 decision of the Office of Workers' Compensation Programs is set aside as moot.

Issued: June 3, 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