

¹ 5 U.S.C. § 8101 *et seq.*

FACTUAL HISTORY

On September 17, 2025 appellant, then a 59-year-old city carrier, filed an occupational disease claim (Form CA-2) alleging that he developed a bone-on-bone left knee condition due to factors of his federal employment. He noted that he first became aware of his condition and realized its relation to his federal employment on September 4, 2025. Appellant stopped work on September 16, 2025, and returned to work on September 18, 2025.

In an accompanying September 17, 2025 narrative statement, appellant explained that he had worked as a city letter carrier at Eastlake Station for over four years prior to his assignment to the employing establishment. In approximately February 2025, he began to experience left knee pain which he attributed to prolonged walking while in the performance of duty. On September 2, 2025 appellant experienced extreme left knee pain toward the end of his work shift. He contacted his physician on September 3, 2025, and underwent a left knee x-ray on September 4, 2025. Appellant contended that the physician recommended a total left knee replacement.

OWCP subsequently received a report of a September 10, 2025 magnetic resonance imaging (MRI) scan of the left knee wherein Dr. C. Michael Mead, a Board-certified diagnostic radiologist, provided an impression of severe left knee osteoarthritis with a large effusion.

In a September 18, 2025 statement, the employing establishment controverted the claim as appellant had not submitted medical evidence supporting causal relationship.

In a September 19, 2025 development letter, OWCP informed appellant of the deficiencies of his claim. It advised him as to the type of factual and medical evidence required and provided a questionnaire for his completion. OWCP afforded appellant 60 days to submit the necessary evidence. By separate development letter of even date, it requested that the employing establishment provide additional information regarding appellant's occupational disease claim, including comments from a knowledgeable supervisor. OWCP afforded the employing establishment 30 days to respond.

In an October 17, 2025 statement, the employing establishment asserted that appellant had not mentioned an accident or incident prior to beginning work, but alleged that he was bowlegged and had an unusual gait. It noted that appellant's duties required casing mail up to one hour a day, sitting while driving for two to four hours a day, standing/walking four to six hours a day, pushing and bending for 30 minutes to one hour a day, and lifting up to 70 pounds.²

In a follow-up letter dated October 23, 2025, OWCP advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish his claim. It noted that he had 60 days from the September 19, 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 additional evidence was received.

² The employing establishment also provided an official position description and an undated duty status report (Form CA-17) indicating the physical requirements of appellant's position. The physician's portion of the Form CA-17 is blank.

By decision dated November 28, 2025, OWCP denied appellant's occupational disease claim, finding that 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 January 19, 2026 appellant filed *via* the Employees' Compensation Operations & Management Portal (ECOMP) a request for a review of the written record by a representative of OWCP's Branch of Hearings and Review.

By decision dated January 30, 2026, OWCP denied appellant's January 19, 2026 request for a review of the written record as untimely filed since it was not made within 30 days of OWCP's November 28, 2025 decision, pursuant to 5 U.S.C. § 8124(b). It further exercised its discretion and determined that the issue in this case could equally well be addressed by a request for reconsideration before OWCP along with the submission of new evidence.

LEGAL PRECEDENT -- ISSUE 1

An employee seeking benefits under FECA³ 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,⁴ 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.⁵ 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.⁶

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.⁷

³ *Supra* note 1.

⁴ *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).

⁵ *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).

⁶ *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).

⁷ *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).

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.⁸ 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.⁹ 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).¹⁰

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.

OWCP received a report of a September 10, 2025 MRI scan of the left knee wherein Dr. Mead provided an impression of severe left knee osteoarthritis. The Board has held that diagnostic studies, standing alone, lack probative value as they do not address whether the employment factors caused any of the diagnosed conditions.¹¹ Such a report is therefore insufficient to establish appellant's claim.

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.¹²

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.

LEGAL PRECEDENT -- ISSUE 2

Section 8124(b)(1) of FECA provides that a claimant for compensation not satisfied with a decision of the Secretary is entitled, on request made within 30 days after the date of the issuance of the decision, to a hearing on his or her claim before a representative of the Secretary.¹³ Sections 10.617 and 10.618 of the federal regulations implementing this section of FECA provide that a

⁸ *D.S.*, Docket No. 26-0112 (issued April 29, 2026); *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).

⁹ *M.V.*, Docket No. 18-0884 (issued December 28, 2018).

¹⁰ *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*, *supra* note 7.

¹¹ *See C.M.*, Docket No. 25-0772 (issued December 15, 2025); *M.P.*, Docket No. 23-1131 (issued June 18, 2024); *V.A.*, Docket No. 21-1023 (issued March 6, 2023); *M.K.*, Docket No. 21-0520 (issued August 23, 2021); *F.D.*, Docket No. 19-0932 (issued October 3, 2019).

¹² *I.D.*, Docket No. 22-0848 (issued September 2, 2022); *T.G.*, Docket No. 14-751 (issued October 20, 2014).

¹³ 5 U.S.C. § 8124(b).

claimant shall be afforded a choice of an oral hearing or a review of the written record by a representative of the Secretary.¹⁴ A claimant is entitled to a hearing or review of the written record as a matter of right only if the request is filed within the requisite 30 days as determined by postmark or other carrier's date marking, or the date received in ECOMP and before the claimant has requested reconsideration.¹⁵ Although there is no right to a review of the written record or an oral hearing, if not requested within the 30-day time period, OWCP may within its discretionary powers grant or deny appellant's request and must exercise its discretion.¹⁶

ANALYSIS -- ISSUE 2

The Board finds that OWCP properly denied appellant's request for a review of the written record as untimely filed, pursuant to 5 U.S.C. § 8124(b).

OWCP's regulations provide that the request for a hearing or review of the written record must be made within 30 days of the date of the decision for which a review is sought. Because appellant's request for review of the written record on January 19, 2026 post-dated OWCP's November 28, 2025 decision by more than 30 days, it was untimely. Appellant was, therefore, not entitled to a review of the written record as a matter of right.¹⁷

OWCP, however, has the discretionary authority to grant the request and it must exercise such discretion.¹⁸ The Board finds that, in the January 30, 2026 decision, OWCP properly exercised its discretion by determining that the issue in the case could equally well be addressed through a request for reconsideration, along with the submission of additional evidence.

The Board has held that the only limitation on OWCP's authority is reasonableness. An abuse of discretion is generally shown through proof of manifest error, clearly unreasonable exercise of judgment, or actions taken which are contrary to both logic and probable deductions from established facts.¹⁹ Accordingly, the Board finds that OWCP properly denied appellant's request for a review of the written record as untimely filed, pursuant to 5 U.S.C. § 8124(b).

¹⁴ 20 C.F.R. §§ 10.616, 10.617, and 10.618.

¹⁵ *Id.* at § 10.616(a); Federal (FECA) Procedure Manual, Part 2 -- Claims, *Hearings and Reviews of the Written Record*, Chapter 2.1601.4a (February 2024).

¹⁶ *J.P.*, Docket No. 25-0740 (issued September 26, 2025); *C.C.*, Docket No. 23-0684 (issued May 12, 2025); *S.N.*, Docket No. 22-1048 (issued April 3, 2023); *G.H.*, Docket No. 22-0122 (issued May 20, 2022); *E.E.*, Docket No. 20-1290 (issued July 21, 2021); *J.T.*, Docket No. 18-0664 (issued August 12, 2019); *Eddie Franklin*, 51 ECAB 223 (1999); *Delmont L. Thompson*, 51 ECAB 155 (1999).

¹⁷ *Supra*, note 14 at § 10.616(a); *see* Federal (FECA) Procedure Manual, *supra* note 15.

¹⁸ *See K.B.*, Docket No. 21-1038 (issued February 28, 2022); *M.F.*, Docket No. 21-0878 (issued January 6, 2022); *see also P.C.*, Docket No. 19-1003 (issued December 4, 2019).

¹⁹ *See S.I.*, Docket No. 22-0538 (issued October 3, 2022); *T.G.*, Docket No. 19-0904 (issued November 25, 2019); *Daniel J. Perea*, 42 ECAB 214 (1990) (Thomas, Alternate Member, dissenting).

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 his request for a review of the written record as untimely filed, pursuant to 5 U.S.C. § 8124(b).

ORDER

IT IS HEREBY ORDERED THAT the November 28, 2025 and January 30, 2026 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: June 5, 2026
Washington, DC

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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