

<sup>1</sup> Appellant submitted a timely request for oral argument before the Board. 20 C.F.R. § 501.5(b). Pursuant to the Board's *Rules of Procedure*, oral argument may be held in the discretion of the Board. 20 C.F.R. § 501.5(a). In support of appellant's oral argument request, he asserted that oral argument should be granted for him to explain the circumstances surrounding his failure to appear for the hearing. The Board, in exercising its discretion, denies appellant's request for oral argument because the Board does not have jurisdiction over the merits of this case and, thus, the arguments on appeal can adequately be addressed in a decision based on a review of the case record. Oral argument in this appeal would further delay issuance of a Board decision and not serve a useful purpose. As such, the oral argument request is denied, and this decision is based on the case record as submitted to the Board.

the Federal Employees' Compensation Act<sup>2</sup> (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board lacks jurisdiction over the merits of this case.

### **ISSUE**

The issue is whether OWCP properly determined that appellant abandoned his request for an oral hearing.

### **FACTUAL HISTORY**

On December 12, 2013 appellant, then a 50-year-old letter carrier, filed a traumatic injury claim (Form CA-1) alleging that on December 11, 2013 he sustained back and right shoulder injuries when he slipped on snow-covered ice and fell backwards to the ground while in the performance of duty. He stopped work on the same day. Appellant returned to part-time work on December 26, 2023, and to full-duty work effective January 22, 2024. OWCP accepted the claim for right shoulder sprain, neck sprain, and low back sprain. It subsequently expanded the acceptance of the claim to include cervical radiculopathy, and sprain of joints and ligaments of other parts of the neck.

OWCP subsequently received additional factual and medical evidence.

On April 14, 2025, appellant filed a series of claims for compensation (Form CA-7) for intermittent disability from work during the period March 29 through December 27, 2024 to attend medical appointments related to his accepted employment conditions.

In an April 21, 2025 development letter, OWCP notified appellant of the deficiencies of his disability claim. It advised him of the type of medical evidence needed and afforded him 30 days to submit the necessary evidence. OWCP subsequently received additional evidence.

By decision dated June 27, 2025, OWCP denied appellant's disability claim, finding that the medical evidence of record was insufficient to establish the claimed dates of intermittent disability during the period March 29 through December 27, 2024.<sup>3</sup>

In an appeal request form postmarked July 10, 2025, appellant requested an oral hearing before a representative of OWCP's Branch of Hearings and Review.

By notice dated December 5, 2025, OWCP's hearing representative informed appellant that an oral hearing was scheduled for February 6, 2026, at 1:00 p.m. Eastern Standard Time (EST). The notice provided call-in instructions, the toll-free number to call, and the appropriate passcode to access the hearing. The hearing representative mailed the notice to appellant's last known address of record.

---

<sup>2</sup> 5 U.S.C. § 8101 *et seq.*

<sup>3</sup> The Board notes that in the April 21, 2025 development letter, OWCP indicated that appellant had submitted sufficient evidence to establish 2.75 hours of disability from work on April 3, 2024. However, OWCP's June 27, 2025 decision indicates that appellant had not established disability from work on April 3, 2024.

Appellant did not appear for the scheduled hearing.

By decision dated February 17, 2026, OWCP found that appellant had abandoned his request for an oral hearing as he had received written notification of the hearing 30 days in advance but failed to appear. The hearing representative further found that there was no indication in the case record that he had contacted the Branch of Hearings and Review either prior to or after the scheduled hearing to explain his failure to appear.

### **LEGAL PRECEDENT**

A claimant who has received a final adverse decision by OWCP may obtain a hearing by writing to the address specified in the decision within 30 days of the date of the decision for which a hearing is sought.<sup>4</sup> Unless otherwise directed in writing by the claimant, OWCP's hearing representative will mail a notice of the time and place of the hearing to the claimant and any representative at least 30 days before the scheduled date.<sup>5</sup> OWCP has the burden of proving that it properly mailed to a claimant and any representative of record a notice of a scheduled hearing.<sup>6</sup>

A claimant who fails to appear at a scheduled hearing may request in writing, within 10 days after the date set for the hearing, that another hearing be scheduled. Where good cause for failure to appear is shown, another hearing will be scheduled and conducted by teleconference.<sup>7</sup>

The failure of the claimant to request another hearing within 10 days, or the failure of the claimant to appear at a second scheduled hearing without good cause shown, shall constitute abandonment of the request for a hearing.<sup>8</sup>

### **ANALYSIS**

The Board finds that OWCP properly determined that appellant abandoned his request for an oral hearing.

The record establishes that, on December 5, 2025, in response to appellant's request for an oral hearing, a representative of OWCP's Branch of Hearings and Review properly mailed a notice of the scheduled oral hearing to be held on February 6, 2026, at 1:00 p.m., EST. The hearing representative mailed the notice to appellant at his last known address of record and provided

---

<sup>4</sup> 20 C.F.R. § 10.616(a).

<sup>5</sup> *Id.* at § 10.617(b).

<sup>6</sup> *A.R.*, Docket No. 19-1691 (issued February 24, 2020); *M.R.*, Docket No. 18-1643 (issued March 1, 2019); *Michelle R. Littlejohn*, 42 ECAB 463(1991).

<sup>7</sup> *Supra* note 5 at § 10.622(f).

<sup>8</sup> *Id.*; Federal (FECA) Procedure Manual, Part 2 -- Claims, *Hearings and Reviews of the Written Record*, Chapter 2.1601.6g (September 2020); *see also A.J.*, Docket No. 18-0830 (issued January 10, 2019); *L.B.*, Docket No. 18-0533 (issued August 27, 2018).

instructions for his participation.<sup>9</sup> Appellant, however, failed to appear for the scheduled hearing and did not request a postponement or provide an explanation to OWCP for his failure to attend the hearing within 10 days of the scheduled hearing.

The Board, thus, finds that OWCP properly determined that appellant abandoned his request for an oral hearing.

### **CONCLUSION**

The Board finds that OWCP properly determined that appellant abandoned his request for an oral hearing.

### **ORDER**

**IT IS HEREBY ORDERED THAT** the February 17, 2026 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: June 9, 2026  
Washington, DC

Alec J. Koromilas, Chief Judge  
Employees' Compensation Appeals Board

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

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

---

<sup>9</sup> Absent evidence to the contrary, a letter properly addressed and mailed in the ordinary course of business is presumed to have been received. This is called the mailbox rule. *See C.Y.*, Docket No. 18-0263 (issued September 14, 2018).