

¹ 5 U.S.C. § 8101 *et seq.*

condition and realized its relationship to her federal employment on September 18, 2023. Appellant stopped work on October 4, 2023.

In a letter dated October 5, 2023, the employing establishment controverted the claim, noting that appellant had not provided any information regarding the nature or cause of her claimed condition.

In an October 11, 2023 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.

OWCP thereafter received an October 10, 2023 medical report by Dr. Russell Skinner, Board-certified in family medicine, who noted that appellant related complaints of anxiety and depression, which she attributed to “daily harassment” and a change in her post office location. Appellant also related complaints of low back pain for the past month, which she attributed to casing, and delivering mail on a loop route for eight or more hours per day, five to six days per week. Dr. Skinner noted that the physical demands of the position included carrying a satchel across her body loaded with 35 pounds of mail, bending down with the satchel on her back, alternating between driving and walking for up to seven hours per day, and constantly twisting, turning, reaching forward, reaching overhead, stooping, and climbing stairs. He documented physical examination findings and diagnosed lumbar spondylosis and radiculopathy, depression, and anxiety due to a known physiological condition. Dr. Skinner opined that these conditions were caused by repetitive wear and tear to her spine due to her employment duties and “feeling like she is unheard.”

Appellant subsequently submitted an undated statement and a February 23, 2024 response to its questionnaire. She related complaints of spine pain and extremity weakness, which she attributed to carrying a mail satchel weighing 25 to 40 pounds, climbing stairs, walking, twisting, turning, stooping, and reaching 8 to 10 hours per day, five to six days per week. Appellant also noted that she was “dealing with depression caused by the emotional abuse [she] experienced dealing with on[-]the[-]job issues.”

On February 27, 2024, OWCP requested that appellant clarify what type of injury she was claiming on her September 29, 2023 Form CA-2.

In an undated response appellant indicated that she was claiming “both my back and mental health conditions due to my work injury that happened on [September 18, 2023].”

OWCP also received additional medical reports by Dr. Skinner dated November 14, 2023 through May 30, 2024, and physical therapy reports.

In a July 17, 2024 development letter, OWCP noted that appellant was claiming a lumbar condition and an emotional/stress-related condition. It informed her of the deficiencies of her claim, advised her as to 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.

OWCP subsequently received additional physical therapy reports.

By decision dated September 16, 2024, OWCP denied appellant's claim, finding that she had not established the implicated factors of her federal employment. It concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

OWCP continued to receive evidence, including magnetic resonance angiography (MRA) scans of the head and neck dated November 13, 2023 and magnetic resonance imaging (MRI) scans of lumbar spine dated November 13, 2023 and June 23, 2025.

In duty status reports (Form CA-17) dated November 7, 2024 through August 14, 2025, Dr. Skinner indicated that appellant was totally disabled from work due to lumbar radiculopathy, spondylosis, depression, and anxiety.

In an attending physician's report (Form CA-20) dated May 29, 2025, Dr. Skinner diagnosed lumbar radiculopathy and spondylosis, causally related to the physical demands of casing and delivering mail. He also diagnosed depression and anxiety due to "harassment and pressure" from the employing establishment.

On August 15, 2025 appellant requested reconsideration of OWCP's September 16, 2024 decision. In support thereof, she submitted a July 29, 2025 medical report by Dr. Skinner, who diagnosed lumbar radiculopathy, spondylosis, depression, and anxiety. He reiterated his opinion that the conditions were caused by appellant's job duties that he had described in his previous reports.

By decision dated September 19, 2025, OWCP denied appellant's request for reconsideration of the merits of her claim, pursuant to 5 U.S.C. § 8128(a).

LEGAL PRECEDENT

Section 8128(a) of FECA vests OWCP with discretionary authority to determine whether to review an award for or against compensation. The Secretary of Labor may review an award for or against compensation at any time on his or her own motion or on application.²

To require OWCP to reopen a case for merit review pursuant to FECA, the claimant must provide evidence or an argument which: (1) shows that OWCP erroneously applied or interpreted a specific point of law; (2) advances a relevant legal argument not previously considered by OWCP; or (3) constitutes relevant and pertinent new evidence not previously considered by OWCP.³

² 5 U.S.C. § 8128(a); *see L.D.*, Docket No. 18-1468 (issued February 11, 2019); *V.P.*, Docket No. 17-1287 (issued October 10, 2017); *D.L.*, Docket No. 09-1549 (issued February 23, 2010); *W.C.*, 59 ECAB 372 (2008).

³ 20 C.F.R. § 10.606(b)(3); *see M.S.*, Docket No. 18-1041 (issued October 25, 2018); *L.G.*, Docket No. 09-1517 (issued March 3, 2010); *C.N.*, Docket No. 08-1569 (issued December 9, 2008).

A request for reconsideration must be received by OWCP within one year of the date of OWCP's decision for which review is sought.⁴ If it chooses to grant reconsideration, it reopens and reviews the case on its merits.⁵ If the request is timely, but fails to meet at least one of the requirements for reconsideration, OWCP will deny the request for reconsideration without reopening the case for review on the merits.⁶

ANALYSIS

The Board finds that OWCP properly denied appellant's request for reconsideration of the merits of her claim, pursuant to 5 U.S.C. § 8128(a).

On August 15, 2025 appellant requested reconsideration of OWCP's September 16, 2024 decision denying her occupational disease claim. However, she neither showed that OWCP erroneously applied or interpreted a specific point of law, nor did she advance a relevant legal argument not previously considered by OWCP. Accordingly, the Board finds that appellant is not entitled to a review of the merits of her claim based on either the first or second above-noted requirements under 20 C.F.R. § 10.606(b)(3).⁷

On reconsideration, appellant submitted a May 29, 2025 Form CA-20 and a July 29, 2025 medical report by Dr. Skinner. The Board finds that these reports, although new, are cumulative and substantially similar to his previously submitted reports. The Board has held that the submission of evidence, which repeats or duplicates evidence already in the case record, does not constitute a basis for reopening a case.⁸ Appellant also submitted diagnostic studies, physical therapy reports, and CA-17 forms by Dr. Skinner. However, this medical evidence is irrelevant to the underlying issue in this case, which is factual in nature, *i.e.*, whether appellant has established an injury in the performance of duty, as alleged. The Board has held that the submission of evidence which does not address the particular issue involved does not constitute a basis for reopening a case.⁹ Because appellant did not submit relevant and pertinent new evidence with her

⁴ 20 C.F.R. § 10.607(a). The one-year period begins on the next day after the date of the original contested decision. Federal (FECA) Procedure Manual, Part 2 -- Claims, *Reconsiderations*, Chapter 2.1602.4 (September 2020). Timeliness is determined by the document receipt date of the request for reconsideration as indicated by the received date in the Integrated Federal Employees' Compensation System (iFECS). *Id.* at Chapter 2.1602.4b.

⁵ *Id.* at § 10.608(a); *see D.C.*, Docket No. 19-0873 (issued January 27, 2020); *M.S.*, 59 ECAB 231 (2007).

⁶ *Id.* at § 10.608(b); *see T.V.*, Docket No. 19-1504 (issued January 23, 2020); *E.R.*, Docket No. 09-1655 (issued March 18, 2010).

⁷ *See L.W.*, Docket No. 21-0607 (issued October 18, 2022).

⁸ *See M.C.*, Docket No. 18-0841 (issued September 13, 2019); *A.G.*, Docket No. 19-0113 (issued July 12, 2019); *L.R.*, Docket No. 18-0400 (issued August 24, 2018); *Eugene F. Butler*, 36 ECAB 393, 398 (1984).

⁹ *S.W.*, Docket No. 26-0106 (issued April 29, 2026); *P.G.*, Docket No. 24-0404 (issued September 17, 2024); *C.C.*, Docket No. 22-1240 (issued June 27, 2023); *D.P.*, Docket No. 13-1849 (issued December 19, 2013); *Edward Matthew Diekemper*, 31 ECAB 224, 225 (1979).

request for reconsideration, she was not entitled to a review of the merits based on the third above-noted requirement under 20 C.F.R. § 10.606(b)(3).¹⁰

The Board, therefore, finds that appellant has not met any of the requirements of 20 C.F.R. § 10.606(b)(3). Pursuant to 20 C.F.R. § 10.608, OWCP properly denied merit review.

CONCLUSION

The Board finds that OWCP properly denied appellant's request for reconsideration of the merits of her claim, pursuant to 5 U.S.C. § 8128(a).

ORDER

IT IS HEREBY ORDERED THAT the September 19, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: June 12, 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

¹⁰ See 20 C.F.R. § 10.606(b)(3)(iii); *see also S.W.*, Docket No. 25-0261 (issued February 24, 2025).