

**United States Department of Labor
Employees' Compensation Appeals Board**

A.R., Appellant)	
)	
and)	Docket No. 24-0100
)	Issued: March 23, 2026
U.S. POSTAL SERVICE, PROCESSING & DISTRIBUTION CENTER, Bakersfield, CA, Employer)	
)	

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:
ALEC J. KOROMILAS, Chief Judge
PATRICIA H. FITZGERALD, Deputy Chief Judge
JANICE B. ASKIN, Judge

JURISDICTION

On November 13, 2023, appellant filed a timely appeal from a May 23, 2023 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act¹ (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.²

ISSUE

The issue is whether OWCP properly denied authorization for a prescription medication, finding that it was unrelated to the accepted employment conditions.

¹ 5 U.S.C. § 8101 *et seq.*

² The Board notes that following the May 23, 2023 decision, OWCP received additional evidence. However, the Board's *Rules of Procedure* provides: "The Board's review of a case is limited to the evidence in the case record that was before OWCP at the time of its final decision. Evidence not before OWCP will not be considered by the Board for the first time on appeal." 20 C.F.R. § 501.2(c)(1). Thus, the Board is precluded from reviewing this additional evidence for the first time on appeal. *Id.*

FACTUAL HISTORY

On July 22, 2013, appellant, then a 42-year-old mail processing clerk, filed an occupational disease claim (Form CA-2) alleging that she sustained carpal tunnel syndrome (CTS) bilaterally causally related to factors of her federal employment including sorting, operating a flat sorter, and mail handling duties. She noted that she first became aware of her condition on August 16, 2012 and realized its relationship to her federal employment on July 1, 2013. OWCP initially accepted the claim for bilateral CTS, later expanding the acceptance of her claim to include complex regional pain syndrome (CRPS) of the bilateral upper limbs and thoracic radiculopathy.³

Optum, OWCP's pharmacy benefit manager (PBM), in letters dated May 20 and October 3, 2022, advised appellant that she was receiving fluoxetine which did not appear to be related to her accepted condition. It advised appellant that, should her physician opine that the current accepted conditions needed to be revised or additional complications related to her current accepted conditions needed to be added, the physician should explain in writing, with medical rationale, the relationship between her condition and her accepted conditions. Optum noted that the information should be provided within 30 days of the letter, and that if additional information was not received within that period, her coverage for the medication would end by July 1, 2022. It also sent similar notices to Dr. Irene Sanchez-Esparza, an internist, dated May 20 and October 3, 2022.

In a May 27, 2022 report, Dr. Sanchez-Esparza noted that appellant had been prescribed fluoxetine for depression secondary to her bilateral upper CRPS. She explained that appellant's CRPS was "very debilitating because patients live with pain 24-hours a day, seven days a week for the rest of their lives." Dr. Sanchez-Esparza further explained that patients are limited in activities because of the pain and debilitation of this disease. She opined that as a result appellant had gone into depression was the reason for the prescription fluoxetine. Dr. Sanchez-Esparza concluded that appellant's depression was a direct result of her accepted condition of CPRS.

In a letter dated December 8, 2022, OWCP advised Dr. Sanchez-Esparza that appellant was receiving fluoxetine which did not appear to be related to her accepted condition. Optum advised that should she opine that the current accepted conditions needed to be revised or additional complications related to appellant's current accepted conditions needed to be added, Dr. Sanchez-Esparza should explain in writing, with medical rationale, the relationship between appellant's condition and the accepted conditions. It noted that the information should be provided within 30 days.

No reply from Dr. Sanchez-Esparza was received.

By decision dated May 23, 2023, OWCP denied authorization for fluoxetine, finding that the evidence of record was insufficient to establish that the medication was medically necessary to address the effects of her accepted conditions under FECA.

³ Appellant voluntarily retired from the employing establishment on March 22, 2013.

LEGAL PRECEDENT

Section 8103(a) of FECA⁴ provides that the United States shall furnish to an employee who is injured while in the performance of duty, the services, appliances, and supplies prescribed or recommended by a qualified physician, which OWCP considers likely to cure, give relief, reduce the degree, or the period of disability, or aid in lessening the amount of monthly compensation.⁵ While OWCP is obligated to pay for treatment of employment-related conditions, the employee has the burden of proof to establish that the expenditure is incurred for treatment of the effects of an employment-related injury or condition.⁶

In interpreting section 8103 of FECA, the Board has recognized that OWCP has broad discretion in approving services provided, with the only limitation on OWCP's authority being that of reasonableness.⁷ OWCP has the general objective of ensuring that an employee recovers from his or her injury to the fullest extent possible, in the shortest amount of time. It, therefore, has broad administrative discretion in choosing means to achieve this goal.⁸

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. It is not enough to merely show that the evidence could be construed so as to produce a contrary factual conclusion.⁹

While OWCP is obligated to pay for treatment of employment-related conditions, appellant has the burden of proof to establish that the expenditures were incurred for treatment of the effects of an employment-related injury or condition.¹⁰ Proof of causal relationship in a case such as this must include supporting rationalized medical evidence.¹¹

⁴ *Id.*

⁵ *Id.* at § 8103(a); see *O.M.*, Docket No. 21-1383 (issued March 1, 2023); *R.B.*, Docket No. 21-0598 (issued May 19, 2022); *N.G.*, Docket No. 18-1340 (issued March 6, 2019); *Thomas W. Stevens*, 50 ECAB 288 (1999).

⁶ *R.B., id.*; *J.M.*, Docket No. 20-0396 (issued April 9, 2021); *M.P.*, Docket No. 19-1557 (issued February 24, 2020); *M.B.*, 58 ECAB 588 (2007).

⁷ *O.M., supra* note 5; *J.M.*, Docket No. 20-0457 (issued July 16, 2020); *Daniel J. Perea*, 42 ECAB 214 (1990) (holding that abuse of discretion by OWCP is generally shown through proof of manifest error, clearly unreasonable exercise of judgment, or administrative actions which are contrary to both logic, and probable deductions from established facts).

⁸ *R.B., supra* note 5; *P.L.*, Docket No. 18-0260 (issued April 14, 2020).

⁹ *R.B., id.*; *J.M., supra* note 6; *C.S.*, Docket No. 19-0516 (issued August 15, 2019).

¹⁰ *R.M.*, Docket No. 19-1319 (issued December 10, 2019); *J.T.*, Docket No. 18-0503 (issued October 16, 2018); *Debra S. King*, 44 ECAB 203, 209 (1992); *Zane H. Cassell*, 32 ECAB 1537, 1540-41 (1981).

¹¹ *K.W.*, Docket No. 18-1523 (issued May 22, 2019); *C.L.*, Docket No. 17-0230 (issued April 24, 2018); *Bertha L. Arnold*, 38 ECAB 282 (1986).

ANALYSIS

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

In a May 27, 2022 report, Dr. Sanchez-Esparza noted that appellant had been prescribed fluoxetine for depression secondary to her bilateral upper CRPS. She explained that appellant's CRPS was "very debilitating because patients live with pain 24-hours a day, seven days a week for the rest of their lives." Dr. Sanchez-Esparza further explained that patients are limited in activities because of the pain and debilitation of this disease. She opined that as a result the appellant had gone into depression was the reason for the prescription fluoxetine. Dr. Sanchez-Esparza concluded that appellant's depression was a direct result of appellant's accepted condition of CPRS. OWCP, however, did not consider or address this evidence in its May 23, 2023 decision.

In the case of *William A. Couch*,¹² the Board held that, when adjudicating a claim, OWCP is obligated to consider all evidence properly submitted by a claimant and received by OWCP before the final decision is issued. As OWCP did not review the above-noted evidence of record in its May 23, 2023 decision, it failed to follow its procedures.¹³

As Board decisions are final with regard to the subject matter appealed, it is crucial that OWCP consider and address all relevant evidence received prior to the issuance of its final decision.¹⁴ On remand, OWCP shall review all relevant evidence submitted by appellant regarding authorization for fluoxetine, including Dr. Sanchez-Esparza's May 27, 2022 report. Following this and other such further development as deemed necessary, it shall issue a *de novo* decision.

CONCLUSION

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

¹² *William A. Couch*, 41 ECAB 548, 553 (1990); see also *Order Remanding Case, A.B.*, Docket No. 22-0179 (issued June 28, 2022); *Order Remanding Case, S.H.*, Docket No. 19-1582 issued May 26, 2020); *R.D.*, Docket No. 17-1818 (issued April 3, 2018).

¹³ OWCP's procedures provide that all evidence submitted should be reviewed and discussed in the decision. Evidence received following development that lacks probative value should also be acknowledged. Whenever possible, the evidence should be referenced by author and date. Federal (FECA) Procedure Manual, Part 2 -- Claims, *Initial Denials*, Chapter 2.1401.5b(2) (November 2012).

¹⁴ See *A.B.*, *supra* note 12; *C.S.*, Docket No. 18-1760 (issued November 25, 2019); *Yvette N. Davis*, 55 ECAB 475 (2004); see also *William A. Couch*, *supra* note 12.

ORDER

IT IS HEREBY ORDERED THAT the May 23, 2023 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further proceedings consistent with this decision of the Board.

Issued: March 23, 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