



the performance of duty.<sup>3</sup> She stopped work on February 21, 2025 and returned to full-time modified duty with restrictions on February 25, 2025.

Appellant submitted additional factual and medical evidence in support of her claim.

In a May 8, 2025 development letter, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of medical evidence needed and afforded her 60 days to submit the necessary evidence.

Appellant subsequently submitted additional medical evidence in support of her claim.

In a follow-up letter dated May 30, 2025, OWCP advised appellant that it had conducted an interim review, and that the evidence remained insufficient to establish her claim. It noted that she had 60 days from the May 8, 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.

By decision dated June 30, 2025, OWCP denied appellant's claim, finding that the evidence of record was insufficient to establish a medical condition causally related to the accepted February 21, 2025 employment incident.

Appellant requested reconsideration and submitted additional medical evidence.

By decisions dated August 13 and September 9, 2025, OWCP denied modification.

The Board, having duly considered this matter, finds that the case is not in posture for decision.

Section 10.121 of OWCP's regulations provides that if a claimant submits factual evidence, medical evidence, or both in support of his or her claim, but OWCP determines that this evidence is not sufficient to meet the burden of proof, it will inform the claimant of the additional evidence needed and provide the claimant at least 60 days to submit the evidence required.<sup>4</sup>

The 60th day following the May 8, 2025 development letter was July 7, 2025. However, OWCP issued its decision denying appellant's claim on June 30, 2025. It, therefore, did not fulfill its responsibility under section 10.121 of its regulations.<sup>5</sup>

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<sup>3</sup> OWCP assigned the present claim OWCP File No. xxxxxx774. Appellant has a prior claim accepted for right carpal tunnel syndrome under OWCP File No. xxxxxx252. OWCP has administratively combined OWCP File Nos. xxxxxx252 and xxxxxx774, with the latter serving as the master file.

<sup>4</sup> 20 C.F.R. § 10.121. Effective March 7, 2023, 20 C.F.R. § 10.121 was amended to allow a claimant 60 days, increased from the prior 30-day period, to submit supporting evidence on an initial claim. *See also* Federal (FECA) Procedure Manual, Part 2 -- Claims, *Initial Development of Claims*, Chapter 2.800.4c(2) (November 2023).

<sup>5</sup> *Id.* *See also Order Remanding Case, L.C.*, Docket No. 22-1341 (issued January 26, 2023).

Thus, the Board finds that this case must be remanded for proper application of OWCP's procedures, allowing appellant 60 days to respond to the request for additional evidence, to be followed by a *de novo* decision. Accordingly,

**IT IS HEREBY ORDERED THAT** the June 30, August 13, and September 9, 2025 decisions of the Office of Workers' Compensation Programs are set aside, and the case is remanded for further proceedings consistent with this order of the Board.

Issued: March 10, 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