

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

K.N., Appellant)	
)	
and)	Docket No. 26-0114
)	Issued: May 1, 2026
U.S. POSTAL SERVICE, OKLAHOMA CITY)	
POST OFFICE, Oklahoma City, OK, 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
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On November 21, 2025 appellant filed a timely appeal from a September 4, 2025 merit decision and an October 21, 2025 nonmerit 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.

ISSUES

The issues are: (1) whether appellant has met her burden of proof to establish a medical condition causally related to the accepted factors of her federal employment; and (2) whether OWCP properly denied appellant's request for reconsideration of the merits of her claim, pursuant to 5 U.S.C. § 8128(a).

FACTUAL HISTORY

On June 25, 2025 appellant, then a 45-year-old mail handler, filed an occupational disease claim (Form CA-2) alleging that she developed right shoulder impingement syndrome, rotator cuff

¹ 5 U.S.C. § 8101 *et seq.*

tear, and arthroscopy with rotator cuff surgery repair due to factors of her federal employment, including repetitive motions from pushing heavy cages full of mail, pulling and lifting heavy mail in tubs, tossing packages, hooking and pulling mail with a tow motor with malfunctioning wheels, and operating an electric pallet jack, forklift, and tow motor. She noted that she first became aware of her condition on May 20, 2024 and realized its relation to her federal employment on April 11, 2025. Appellant did not stop work.

In a May 2, 2025 report, Dr. Harry S. Smith, a Board-certified orthopedic surgeon, related that he evaluated appellant for right shoulder pain and limited range of motion, which had been present for approximately one year prior with no known injury. He noted that appellant worked at a distribution center and her duties entailed frequent heavy lifting. Dr. Smith diagnosed right shoulder impingement syndrome and administered a sub-acromial injection to the right shoulder.

In a June 13, 2025 report, Dr. Smith related that appellant complained of right shoulder pain with no improvement following her right shoulder injection on May 2, 2025. He diagnosed right shoulder impingement syndrome and recommended a right shoulder MRI scan for further evaluation.

OWCP also received diagnostic studies, including an April 17, 2025 x-ray of the right shoulder and a June 19, 2025 magnetic resonance imaging (MRI) scan of the right shoulder.

A June 24, 2025 report from a healthcare provider with an illegible signature was also submitted.

In a June 27, 2025 development letter, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence needed to establish her claim and provided a questionnaire for her completion. OWCP afforded appellant 60 days to submit the necessary evidence.

In a follow-up letter dated August 18, 2025, OWCP advised appellant that it had conducted an interim review, and the evidence of record remained insufficient to establish her claim. It noted that she had 60 days from the June 27, 2025 letter to submit the necessary evidence. OWCP advised that if the evidence was not received within this timeframe, it would issue a decision based on the evidence contained in the record. No additional evidence was received.

By decision dated September 4, 2025, OWCP denied appellant's occupational disease claim, finding that the medical evidence of record was insufficient to establish causal relationship between a medical condition and the accepted factors of her federal employment.

Appellant subsequently resubmitted the April 17, 2025 x-ray of the right shoulder, Dr. Harris' June 13, 2025 report, and the second page of the June 24, 2025 report from a healthcare provider with an illegible signature.

On October 8, 2025 appellant requested reconsideration.

By decision dated October 21, 2025, OWCP denied appellant's request for reconsideration of the merits of her claim, pursuant to 5 U.S.C. § 8128(a).

LEGAL PRECEDENT – ISSUE 1

An employee seeking benefits under FECA² 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,³ 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.⁴ 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.⁵

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.⁶

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.⁷ 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.⁸ 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).⁹

ANALYSIS -- ISSUE 1

The Board finds that appellant has not met her burden of proof to establish a medical condition causally related to the accepted factors of her federal employment.

² *Id.*

³ *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).

⁴ *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).

⁵ *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).

⁶ *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).

⁷ *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).

⁸ *M.V.*, Docket No. 18-0884 (issued December 28, 2018).

⁹ *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*, 41 ECAB 345, 352 (1989).

In a May 2, 2025 report, Dr. Smith related that he evaluated appellant for right shoulder pain and limited range of motion, which had been present for approximately one year prior with no known injury. He noted that appellant worked at a distribution center and her duties entailed frequent heavy lifting. Dr. Smith assessed acromion on her right shoulder as revealed on an x-ray completed that day. He diagnosed right shoulder impingement syndrome and administered a sub-acromial injection to the right shoulder. In a June 13, 2025 report, Dr. Smith related that appellant complained of right shoulder pain with no improvement following her right shoulder injection on May 2, 2025. He diagnosed right shoulder impingement syndrome and recommended a right shoulder MRI scan for further evaluation. However, Dr. Smith did not provide an opinion on the cause of the diagnosed medical condition. The Board has held that medical evidence that does not offer an opinion regarding the cause of an employee's condition is of no probative value on the issue of causal relationship.¹⁰ Therefore, this evidence is insufficient to establish appellant's claim.

OWCP also received a June 24, 2025 report from a healthcare provider with an illegible signature. However, the Board has long held that reports that are unsigned or bear an illegible signature lack proper identification and cannot be considered probative medical evidence because the author cannot be identified as a physician.¹¹ Therefore, this evidence is of no probative value and is insufficient to establish the claim.

The remaining medical evidence consists of diagnostic test results. 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.¹² This evidence 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 her burden of proof.¹³

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.

¹⁰ See *R.C.*, Docket No. 26-0037 (issued February 13, 2026); *B.B.*, Docket No. 25-0661 (issued September 9, 2025); *G.R.*, Docket No. 25-0540 (issued June 26, 2025); *F.S.*, Docket No. 23-0112 (issued April 26, 2023); *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018).

¹¹ *H.T.*, Docket No. 26-0129 (issued March 23, 2026); *L.B.*, Docket No. 21-0353 (issued May 23, 2022); *T.D.*, Docket No. 20-0835 (issued February 2, 2021); *Merton J. Sills*, 39 ECAB 572, 575 (1988).

¹² See *C.B.*, 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).

¹³ *K.G.*, Docket No. 25-0921 (issued February 13, 2026); *I.D.*, Docket No. 22-0848 (issued September 2, 2022); *T.G.*, Docket No. 14-751 (issued October 20, 2014).

LEGAL PRECEDENT – ISSUE 2

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.¹⁴

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.¹⁵

A request for reconsideration must be received by OWCP within one year of the date of OWCP's decision for which review is sought.¹⁶ If it chooses to grant reconsideration, it reopens and reviews the case on its merits.¹⁷ 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.¹⁸

ANALYSIS -- ISSUE 2

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).¹⁹

On October 8, 2025 appellant requested reconsideration of the merits of her claim. However, she neither established 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, appellant is not entitled to a review of the merits based on either the first or second above-noted requirements under 20 C.F.R. § 10.606(b)(3).²⁰

¹⁴ 5 U.S.C. § 8128(a); *see R.C.*, Docket No. 22-0612 (issued October 24, 2022); *M.S.*, Docket No. 19-1001 (issued December 9, 2019); *L.D.*, Docket No. 18-1468 (issued February 11, 2019); *V.P.*, Docket No. 17-1287 (issued October 10, 2017); *W.C.*, 59 ECAB 372 (2008).

¹⁵ 20 C.F.R. § 10.606(b)(3); *see R.C.*, *id.*; *L.D.*, *id.*

¹⁶ *Id.* at § 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.

¹⁷ *Id.* at § 10.608(a); *see also M.S.*, 59 ECAB 231 (2007).

¹⁸ *Id.* at § 10.608(b); *M.S.*, Docket No. 19-0291 (issued June 21, 2019); *E.R.*, Docket No. 09-1655 (issued March 18, 2010).

¹⁹ *T.R.*, Docket No. 23-0287 (issued June 23, 2023).

²⁰ *See P.M.*, Docket No. 25-0801 (issued December 5, 2025); *T.K.*, Docket No. 25-0644 (issued September 17, 2025); *L.W.*, Docket No. 21-0607 (issued October 18, 2022).

In support of her October 8, 2025 request for reconsideration, appellant resubmitted the April 17, 2025 x-ray of the right shoulder, Dr. Harris' June 13, 2025 report, and the second page of the June 24, 2025 report from a healthcare provider with an illegible signature. The Board has held that the submission of evidence or argument that repeats or duplicates evidence or argument previously of record does not constitute a basis for reopening a case.²¹ Because appellant did not provide any relevant and pertinent new evidence, she is not entitled to a review of the merits based on the third above-noted requirement under 20 C.F.R. § 10.606(b)(3).

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 appellant has not met her burden of proof to establish a medical condition causally related to the accepted factors of her federal employment. The Board further 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 4 and October 21, 2025 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: May 1, 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

²¹ See *J.K.*, Docket No. 26-0115 (issued March 25, 2026); *L.C.*, Docket No. 25-0444 (issued April 23, 2025); *C.C.*, Docket No. 25-0191 (issued February 12, 2025); *Eugene F. Butler*, 36 ECAB 393, 398 (1984).