

(2) whether OWCP properly denied appellant's requests for reconsideration of the merits of her claim, pursuant to 5 U.S.C. § 8128(a).

FACTUAL HISTORY

On February 11, 2025 appellant, then a 62-year-old mail handler assistant, filed a traumatic injury claim (Form CA-1) alleging that on January 2, 2025 she sustained a left hip injury when boxes began to tumble from a wrap machine and she slipped and fell as she attempted to run to the machine while in the performance of duty. Appellant stopped work on January 3, 2025. She returned to full-time modified-duty work with restrictions on January 5, 2025 and resumed full-time regular work on January 13, 2025.

In January 2, 2025 emergency department discharge instructions, Dr. Cynthia T. Ziwawo, a diagnostic radiologist, related that she had treated appellant for "injury of head and neck and tingling of both upper extremities." In a January 2, 2025 work and school release form, Dr. Ziwawo related that appellant could return to work on January 5, 2025 with lifting restrictions, and could resume full-duty work on January 12, 2025.

In January 28, 2025 duty status report (Form CA-17), Dr. Lea Feghali, a Board-certified family practitioner, noted the history of appellant's January 2, 2024 employment incident. She diagnosed piriformis pain. Dr. Feghali indicated that appellant could not return to work.

In a development letter dated April 3, 2025, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence needed and afforded her 60 days to submit the necessary evidence.

Appellant subsequently resubmitted Dr. Feghali's January 28, 2025 Form CA-17 and Dr. Ziwawo's January 2, 2025 work and school release form, previously of record.

In a follow-up letter dated May 1, 2025, OWCP advised appellant that it had conducted an interim review and determined that the evidence remained insufficient to establish her claim as pain was not a valid diagnosis under FECA. It noted that she had 60 days from its April 3, 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.

In an April 22, 2025 form report, Dr. Feghali related that appellant had been treated for hip pain.

In a May 1, 2025 attending physician's report (Form CA-20), Dr. Feghali noted the history of appellant's injury and diagnosed sciatic nerve compression S1 pain.³

By decision dated June 11, 2025, OWCP found that the alleged incident occurred as described; however, it denied the claim, finding that the medical evidence of record was insufficient to establish a diagnosed medical condition in connection with the accepted

³ The ICD-10 code provided was M54, a broad category used to classify pain in the back and neck regions, including disorders affecting the spine, muscles and connective tissues.

employment incident. It concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

On July 7, 2025 appellant requested reconsideration of the June 11, 2025 decision. No additional evidence was received.

By decision dated July 23, 2025, OWCP denied appellant's request for reconsideration of the merits of her claim, pursuant to 5 U.S.C. § 8128(a).

On July 30, 2025 appellant again requested reconsideration of the June 11, 2025 decision. No additional evidence was received.

By decision dated August 4, 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 FECA has the burden of proof to establish the essential elements of his or her claim, including the fact that the individual is an employee of the United States within the meaning of FECA and that the claim was filed within the applicable time limitation period of FECA,⁴ 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.⁵ 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.⁶

To determine if an employee has sustained a traumatic injury in the performance of duty, OWCP begins with an analysis of whether fact of injury has been established. Fact of injury consists of two components that must be considered in conjunction with one another. The first component is whether the employee actually experienced the employment incident that allegedly occurred.⁷ The second component is whether the employment incident caused a personal injury.⁸

Rationalized medical opinion evidence is required to establish causal relationship. The opinion of the physician must be based on a complete factual and medical background, must be

⁴ See *R.B.*, Docket No. 18-1327 (issued December 31, 2018); *J.P.*, 59 ECAB 178 (2007); *Joe D. Cameron*, 41 ECAB 153 (1989).

⁵ *J.M.*, Docket No. 17-0284 (issued February 7, 2018); *R.C.*, 59 ECAB 427 (2008); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

⁶ *K.M.*, Docket No. 15-1660 (issued September 16, 2016); *L.M.*, Docket No. 13-1402 (issued February 7, 2014); *Delores C. Ellyett*, 41 ECAB 992 (1990).

⁷ *L.R.*, Docket No. 22-1310 (issued April 4, 2023); *B.P.*, Docket No. 16-1549 (issued January 18, 2017); *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁸ *L.R., id.*; *M.H.*, Docket No. 18-1737 (issued March 13, 2019); *John J. Carlone*, 41 ECAB 354 (1989).

one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment incident.⁹

ANALYSIS – ISSUE 1

The Board finds that appellant has not met her burden of proof to establish a diagnosed medical condition in connection with the accepted January 2, 2025 employment incident.

In an emergency department report dated January 2, 2025, Dr. Ziwawo related that she had treated appellant for “injury of head and neck and tingling of both upper extremities.” In a work release form of even date, she noted appellant’s work restrictions. Dr. Ziwawo did not, however, provide a diagnosis of a medical condition or an opinion on causation. Therefore, this evidence is insufficient to establish the claim.¹⁰

In a January 28, 2025 Form CA-17, Dr. Feghali diagnosed piriformis pain. In an April 22, 2025 request for light-duty form she diagnosed hip pain. In a May 1, 2025 Form CA-20, she diagnosed sciatic nerve compression S1 pain. The Board, however, has held that pain is a symptom, not a diagnosis of a medical condition.¹¹ This evidence is therefore insufficient to establish the claim.

As the medical evidence of record is insufficient to establish a diagnosed medical condition in connection with the accepted January 2, 2025 employment incident, the Board finds that appellant has not met her burden of proof.

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.

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.¹²

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

⁹ S.S., Docket No. 18-1488 (issued March 11, 2019).

¹⁰ M.T., Docket No. 25-0358 (issued April 7, 2025).

¹¹ D.S., Docket No. 24-0888 (issued November 6, 2024); T.S., Docket No. 24-0605 (issued August 23, 2024); R.D., Docket No. 24-002 (issued January 24, 2024); K.S., Docket No. 19-1433 (issued April 26, 2021); S.L., Docket No. 19-1536 (issued June 26, 2020); D.Y., Docket No. 20-0112 (issued June 25, 2020).

¹² 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).

OWCP; or (3) constitutes relevant and pertinent new evidence not previously considered by OWCP.¹³

A request for reconsideration must be received by OWCP within one year of the date of OWCP's decision for which review is sought.¹⁴ If it chooses to grant reconsideration, it reopens and reviews the case on its merits.¹⁵ 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.¹⁶ The Board has held that the submission of evidence or argument which repeats or duplicates evidence or argument already in the case record does not constitute a basis for reopening a case.¹⁷

ANALYSIS -- ISSUE 2

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

In support of her requests for reconsideration, appellant did not demonstrate 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 she 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).¹⁸

Appellant also did not submit any relevant and pertinent new evidence with her requests for reconsideration. Therefore, she is not entitled to further review of the merits of her claim based on the third above-noted requirement under 20 C.F.R. § 10.606(b)(3).¹⁹

¹³ 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).

¹⁴ 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.

¹⁵ *Id.* at § 10.608(a); *see D.C.*, Docket No. 19-0873 (issued January 27, 2020); *M.S.*, 59 ECAB 231 (2007).

¹⁶ *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).

¹⁷ *N.L.*, Docket No. 18-1575 (issued April 3, 2019); *Eugene F. Butler*, 36 ECAB 393, 398 (1984).

¹⁸ *B.G.*, Docket No. 26-0170 (issued March 30, 2025); *C.B.*, Docket No. 26-0093 (issued February 23, 2026); *see L.W.*, Docket No. 21-0607 (issued October 18, 2022).

¹⁹ 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.²⁰

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish a diagnosed medical condition in connection with the accepted January 2, 2025 employment incident. The Board further finds that OWCP properly denied appellant's requests for reconsideration of the merits of her claim, pursuant to 5 U.S.C. § 8128(a).

ORDER

IT IS HEREBY ORDERED THAT the June 11, July 23, and August 4, 2025 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: May 11, 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

²⁰ See *B.G.*, *supra* note 18; *D.R.*, Docket No. 18-0357 (issued July 2, 2018); *A.K.*, Docket No. 09-2032 (issued August 3, 2010); *M.E.*, 58 ECAB 694 (2007); *Susan A. Filkins*, 57 ECAB 630 (2006).