

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

M.Z., Appellant)	
)	
and)	Docket No. 26-0288
)	Issued: May 7, 2026
DEPARTMENT OF JUSTICE, FEDERAL)	
BUREAU OF PRISONS, METROPOLITAN)	
CORRECTIONAL CENTER CHICAGO,)	
Chicago, IL, Employer)	
)	

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

Case Submitted on the Record

ORDER REMANDING CASE

Before:
ALEC J. KOROMILAS, Chief Judge
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

On February 2, 2026, appellant filed a timely appeal from a November 18, 2025 merit decision and a January 26, 2026 nonmerit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards docketed the appeal as No. 26-0288.

On December 4, 2024, appellant, then a 43-year-old dental hygienist, filed an occupational disease claim (Form CA-2) alleging that she sustained a right shoulder torn rotator cuff due to factors of her federal employment. OWCP accepted the claim for right shoulder complete rotator cuff tear/rupture. It authorized right shoulder surgery, which appellant underwent on January 23, 2025.

On February 21, 2025, appellant filed a claim for compensation (Form CA-7) for intermittent disability for the period January 27 through February 7, 2025. She indicated that she had used leave without pay (LWOP) for this period and was not claiming leave buy back (LBB). On the Form CA-7a, the employing establishment noted that appellant had used intermittent LWOP during the period January 6 through February 27, 2025.

On March 27, 2025, OWCP paid appellant wage-loss compensation for four days from January 27 through 30, 2025. It also paid appellant for intermittent wage loss for 12.75 hours for the period January 31 through February 5, 2025.

On July 29, 2025, appellant filed a Form CA-7 for LBB claiming intermittent disability from January 13 through February 7, 2025. On the reverse side of the form the employing establishment noted that appellant used intermittent sick leave from January 21 through February 7, 2025, intermittent annual leave from January 13 through 31, 2025, and intermittent LWOP from January 27 through February 5, 2025.

In a July 29, 2025 Form CA-7a, the employing establishment noted a total of 112.25 hours for LBB for the period January 13 through February 7, 2025. It stated that no compensation had been claimed for the period January 13 through February 7, 2025.

In an August 21, 2025 LBB worksheet/certification and election (Form CA-7b), the employing establishment noted 112.25 hours claimed on Form CA-7a with \$5,524.95 total amount due agency to repurchase leave, \$4,143.71 estimate of FECA entitlement, and \$1,381.24 balance due agency from employee.

By decision dated November 18, 2025, OWCP denied appellant's claim for LBB for the period January 13 through 30, 2025 and January 31 through February 5, 2025 as she had been paid wage-loss compensation. Thus, it found the CA-7 and CA-7b forms were incorrect because the dates claimed had been paid.

On January 23, 2026, appellant requested a review of the written record by a representative of OWCP's Branch of Hearings and Review.

By decision dated January 26, 2026, OWCP denied appellant's January 23, 2022 request for a review of the written record as untimely filed as it was not made within 30 days of OWCP's November 18, 2025 decision.

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

Section 8124(a) of FECA provides that OWCP shall determine and make a finding of fact and make an award for or against payment of compensation.¹ Its regulations at 20 C.F.R. § 10.126 provide that the decision of the Director of OWCP shall contain findings of fact and a statement of reasons.² As well, OWCP's procedures provide that the reasoning behind OWCP's evaluation should be clear enough for the reader to understand the precise defect of the claim and the kind of evidence, which would overcome it.³

In its November 18, 2025 decision, OWCP did not sufficiently explain findings with regard to the denial of appellant's claim for LBB. It merely noted that she had been paid wage-loss compensation for the period in question without reference to supporting evidence of payment. The Board, therefore, finds that OWCP did not discharge its responsibility to set forth findings of fact

¹ 5 U.S.C. § 8124(a).

² 20 C.F.R. § 10.126

³ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Disallowances*, Chapter 2.1400.5 (February 2013).

and a clear statement of reasons explaining the disposition so that appellant could understand the basis of the decision.⁴

As such, the Board shall set aside OWCP's November 18, 2025 decision and remand the case for findings of fact and a statement of reasons for its decision pursuant to the standard set forth in section 5 U.S.C. § 8124(a) and 20 C.F.R. § 10.126.⁵ After any further development as deemed necessary, OWCP shall issue a *de novo* decision. Accordingly,

IT IS HEREBY ORDERED THAT the November 18, 2025 decision of the Office of Workers' Compensation Programs is set aside, and the case is remanded for further proceedings consistent with this order of the Board. The January 26, 2026 decision of the Office of Workers' Compensation Programs is set aside as moot.

Issued: May 7, 2026
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board

⁴ *Id.*

⁵ See *Order Remanding Case, S.S.*, Docket No. 25-0601 (issued September 25, 2025); *Order Remanding Case, T.T.*, Docket No. 25-0523 (issued June 24, 2025); *Order Remanding Case, M.S.*, Docket No. 23-0118 (issued February 21, 2024); *Order Remanding Case, A.J.*, Docket No. 21-0944 (issued March 23, 2022).