

FACTUAL HISTORY

On June 14, 2023 appellant, then a 55-year-old city carrier, filed an occupational disease claim (Form CA-2) alleging that he sustained an emotional/stress-related condition due to factors of his federal employment. He noted that he first became aware of his condition and realized its relation to his federal employment on May 8, 2023. Appellant explained that he was attacked by dogs while in the performance of duty in 2018, and that a recent incident on May 8, 2023 brought his multiple mental ailments to the forefront.³ On the reverse side of the claim form, the employing establishment controverted the claim. Appellant stopped work on June 6, 2023.

In an accompanying undated statement, appellant described the circumstances resulting in his work-related physical and mental stress since May 6, 2023. He alleged that on May 6, 2023 he returned from his route in eight hours, the time limit allowed by his Family and Medical Leave Act (FMLA) agreement. Upon entering the building, a manager confronted him, yelling and questioning, why he had not come back for his extra parcels. Appellant explained that management was aware that his FMLA agreement allowed him to only work eight hours a day, five days per week. He further alleged that the May 6, 2023 confrontation led to physical symptoms, anxiety, and depression on May 8, 2023. Appellant concluded that his symptoms precluded him from returning to work.

Appellant submitted reports from a psychiatric nurse practitioner.

In a June 30, 2023 development letter, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence needed to establish his claim and provided a questionnaire for his completion. OWCP afforded appellant 60 days to submit the necessary evidence. In a separate development letter of even date, it requested that the employing establishment provide additional information regarding appellant's claim, including comments from a knowledgeable supervisor. OWCP afforded the employing establishment 30 days to respond.

Appellant subsequently submitted medical reports dated July 22, 2020 through April 7, 2023, wherein from Dr. James Igleburger, a Board-certified psychiatrist, diagnosed major depressive disorder, chronic pain, and post-traumatic stress disorder (PTSD) in relation to a 2018 work-related incident.

In a July 6, 2023 letter, J.R., Postmaster, challenged appellant's claim, noting that appellant "comes to work and does just fine when he decides to show up."

In follow-up letter dated August 18, 2023, OWCP advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish the claim. It noted that he had 60 days from the June 30, 2023 development letter to submit the necessary evidence. OWCP

³ OWCP assigned the instant claim OWCP File No. xxxxxx197. Under OWCP File No. xxxxxx943, OWCP accepted appellant's June 28, 2018 traumatic injury claim (Form CA-1) for open bite of right upper arm and laceration without foreign body of right upper arm due to a dog bite. Under OWCP File No. xxxxxx045, appellant filed a Form CA-1 alleging that on February 26, 2020 he developed anxiety when he was reassigned to deliver mail to the same address where he was previously attacked by the dogs. OWCP denied appellant's claim for an emotional/stress-related condition. Appellant's claims have not been administratively combined by 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 August 29, 2023 statement, appellant advised that his emotional/stress-related conditions began on June 28, 2018 when he was attacked by two German Shepherd dogs while in the performance of duty. He indicated that when he filed his second claim in 2020 he was unable to complete the process as it was too overwhelming for his mental state at the time. Appellant stated that management was aware that he had an approved FMLA agreement on file which limited him to work only eight hours a day. He was therefore shocked when on May 8, 2023 a manager yelled at him. Appellant also asserted that, while he does not remember specific dates, he had been asked to explain his leave usage on certain occasions.

By decision dated October 23, 2023, OWCP accepted that the May 8, 2023 incident with appellant's supervisor had occurred as alleged, but denied the claim, finding that the medical evidence of record was insufficient to establish causal relationship between appellant's diagnosed conditions and the accepted employment factor.

On September 14, 2024 appellant requested reconsideration.

In a September 12, 2024 report, Dr. Igleburger opined that the May 8, 2023 altercation incident with appellant's supervisor over his accommodation restrictions led to an acute exacerbation of his PTSD and major depression.

By decision dated September 17, 2024, OWCP modified its October 23, 2023 decision to find that appellant had not established any compensable employment factors. The claim remained denied, however, as appellant had not established performance of duty. Therefore, the requirements had not been met to establish an injury as defined by FECA.

On September 17, 2025 appellant requested reconsideration. A July 17, 2025 report from a psychiatric nurse practitioner was also submitted.

By decision dated October 1, 2025, OWCP denied appellant's request for reconsideration of the merits of his claim, pursuant to 5 U.S.C. § 8128(a).

LEGAL PRECEDENT

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.⁴

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

⁴ 5 U.S.C. § 8128 (a); *see S.B.*, Docket No. 24-0703 (issued December 13, 2024); *M.S.*, Docket No. 19-1001 (issued December 9, 2019); *L.D.*, Docket No. 18-1468 (issued February 11, 2019); *see also V.P.*, Docket No. 17-1287 (issued October 10, 2017); *W.C.*, 59 ECAB 372 (2008).

OWCP; or (3) constitutes relevant and pertinent new evidence not previously considered by OWCP.⁵

A request for reconsideration must be received by OWCP within one year of the date of OWCP's decision for which review is sought.⁶ If it chooses to grant reconsideration, it reopens and reviews the case on its merits.⁷ 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.⁸

ANALYSIS

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

On September 17, 2025 appellant requested reconsideration of the September 17, 2024 decision denying his emotional condition claim. However, he neither established that OWCP erroneously applied or interpreted a specific point of law, nor advanced a relevant legal argument not previously considered by OWCP. Accordingly, the Board finds that 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).⁹

In support of his request, appellant submitted a July 17, 2025 report from a psychiatric nurse practitioner. This evidence while new, is irrelevant to the underlying issue, which is factual in nature. The Board has held that the submission of evidence or argument which does not address the underlying issue involved does not constitute a basis for reopening a case.¹⁰ Therefore, appellant is not entitled to further review of the merits of his claim based on the third above-noted requirement under 20 C.F.R. § 10.606(b)(3).¹¹

The Board, therefore, finds that appellant has not met any of the requirements of 20 C.F.R. § 10.606(b)(3).¹² Pursuant to 20 C.F.R. § 10.608, OWCP properly denied merit review.

⁵ 20 C.F.R. § 10.606(b)(3); *see B.G.*, Docket No. 26-0170 (issued March 30, 2026); *S.B., id.; L.D., id.; see also K.L.*, Docket No. 17-1479 (issued December 20, 2017); *C.N.*, Docket No. 08-1569 (issued December 9, 2008).

⁶ *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.

⁷ *Id.* at § 10.608(a); *see also M.S.*, 59 ECAB 231 (2007).

⁸ *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).

⁹ *See A.R.*, Docket No. 26-0105 (issued April 14, 2026); *L.W.*, Docket No. 21-0607 (issued October 18, 2022).

¹⁰ *See A.R., id.; K.C.*, Docket No. 24-0226 (issued July 17, 2024); *A.G.*, Docket No. 23-0045 (issued February 15, 2024); *Edward Matthew Diekemper*, 31 ECAB 224-25 (1979).

¹¹ *N.B.*, Docket No. 24-0790 (issued May 16, 2025).

¹² *R.G.*, Docket No. 25-0390 (issued April 9, 2025).

CONCLUSION

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

ORDER

IT IS HEREBY ORDERED THAT the October 1, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: May 27, 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