

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

C.N., Appellant)	
)	
and)	Docket No. 26-0335
)	Issued: May 22, 2026
U.S. POSTAL SERVICE, POST OFFICE,)	
Milwaukee, WI, Employer)	
)	

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

Case Submitted on the Record

ORDER REVERSING CASE

Before:
PATRICIA H. FITZGERALD, Deputy Chief Judge
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

On February 25, 2026 appellant filed a timely appeal from a November 19, 2025 nonmerit decision of the Office of Workers Compensation Programs (OWCP). The Clerk of the Appellate Boards docketed the appeal as No. 26-0335.

On July 18, 2024 appellant, then a 45-year-old mail handler, filed an occupational disease claim (Form CA-2) alleging that she sustained a herniated disc at the L5-S1 level with radiculopathy due to factors of her federal employment, including repetitively lifting mail bags weighing up to 70 pounds, dumping out mail, moving bulk mail weighing over 500 pounds, sorting mail, and standing on cement floors for up to eight hours per day or more. She indicated that she first became aware of her claimed injury on December 21, 2023, and first realized its relationship to her federal employment on December 26, 2023.

On August 22, 2024 OWCP received a report of work status (Form CA-3) indicating that appellant stopped work on December 21, 2023 and returned to full duty on December 22, 2023.

By decision dated October 15, 2024, OWCP accepted that the implicated employment factors occurred, as alleged. However, it denied appellant's claim, finding that the medical evidence of record was insufficient to establish a medical diagnosis in connection with the

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

On August 4, 2025 OWCP received an undated letter wherein appellant further described her work activities including sweeping mail and lifting heavy mail bags on December 21, 2023. She noted that she returned to work on January 11, 2024 and had continuing symptoms, including limited feeling in her right leg. Appellant discussed her medical treatment, noting that on January 29, 2024 she was diagnosed with a herniated disc at L5-S1. She explained that she delayed in filing a compensation claim as her supervisor discouraged her from doing so. Appellant stated, “As I explained the entire reasoning in the delay of filing and responding to OWCP, I respectfully request your consideration in accepting my claim. Medical records to follow.”

On August 6, 2025 OWCP received a July 6, 2024 report wherein Dr. Shekhar A. Dagam, a Board-certified neurosurgeon, noted that appellant reported a history of chronic low back pain since 2020 when she started sorting mail for the employing establishment, and advised that her job required her to frequently lift 50 to 70 pounds and to repetitively bend and twist her trunk. He indicated that appellant further reported that thereafter she had severe right-sided low back pain with radiculopathy which included numbness from her right calf to toes. Dr. Dagam discussed prior clinical and diagnostic test findings and reported the findings of his physical examination. He noted that January 29, 2024 back x-rays demonstrated disc degeneration with retrolisthesis greatest at L5-S1, and he diagnosed lumbar disc herniation with radiculopathy. Dr. Dagam recommended that appellant continue with physical therapy and perform light-duty work with restrictions.

On October 29, 2025 OWCP received appellant’s appeal request form with a checkmark selecting the reconsideration option for review of the October 15, 2024 decision.

By decision dated November 29, 2025, OWCP denied appellant’s October 29, 2025 request for reconsideration of the merits of her claim, finding that it was untimely filed and failed to demonstrate clear evidence of error.

The Board, having duly considered this matter, finds that OWCP improperly determined that appellant’s request for reconsideration was untimely filed.

Pursuant to section 8128(a) of FECA, OWCP has the discretion to reopen a case for further merit review.¹ This discretionary authority, however, is subject to certain restrictions. For instance, a request for reconsideration must be received within one year of the date of OWCP’s decision for which review is sought.² 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).³ Imposition of this one-year filing

¹ 5 U.S.C. § 8128(a); *see also A.B.*, Docket No. 19-1539 (issued January 27, 2020); *W.C.*, 59 ECAB 372 (2008).

² 20 C.F.R. § 10.607(a).

³ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Reconsiderations*, Chapter 2.1602.4b (September 2020).

limitation does not constitute an abuse of discretion.⁴ OWCP may not deny a request for reconsideration solely because it was untimely filed. When a claimant's request for reconsideration is untimely filed, it must nevertheless undertake a limited review to determine whether it demonstrates clear evidence of error.⁵

The Board has found that there may be a request for reconsideration in situations where a letter does not contain the word reconsideration.⁶ No special form is required as long as the request is made in writing, identifies the decision and specific issue to be considered, and is accompanied by relevant and pertinent new evidence not previously considered.⁷ The word reconsideration does not need to be stated in the request for it to be considered valid, but sufficient detail should be provided to discern the decision being contested.⁸

In her letter received by OWCP on August 4, 2025, appellant provided a discussion addressing the underlying issue of OWCP's October 15, 2024 decision which denied her occupational disease claim because the medical evidence of record was insufficient to establish a medical diagnosis in connection with the accepted employment factors. She further discussed the employment factors which she believed caused a back

injury, including her work activities on December 21, 2023, the date she listed on her Form CA-2 as the date she first became aware of her claimed injury. She noted that she had been diagnosed with a herniated disc at L5-S1 and submitted a July 6, 2024 medical report wherein Dr. Dagam noted diagnostic findings at the L5-S1 disc level and diagnosed lumbar disc herniation with radiculopathy. Although appellant did not use the word "reconsideration" and the use of this specific word is not required in making a request for reconsideration, she did request OWCP's "consideration" in accepting her claim.⁹ The Board finds that appellant's letter provides sufficient detail to discern the decision being contested, *i.e.*, OWCP's October 15, 2024 decision.¹⁰ Thus, the Board finds that appellant's letter, received by OWCP on August 4, 2025, which was followed by the submission of medical evidence, constituted a timely request for reconsideration.¹¹

⁴ *G.G.*, Docket No. 18-1072 (issued January 7, 2019); *E.R.*, Docket No. 09-0599 (issued June 3, 2009); *Leon D. Faidley, Jr.*, 41 ECAB 104 (1989).

⁵ *See* 20 C.F.R. § 10.607(b); *M.H.*, Docket No. 18-0623 (issued October 4, 2018); *Charles J. Prudencio*, 41 ECAB 499 (1990).

⁶ *M.W.*, Docket No. 21-0841 (issued October 26, 2021); *P.S.*, Docket No. 20-1192 (issued July 20, 2021); *E.S.*, Docket No. 17-0698 (issued July 14, 2017); *Jack D. Johnson*, 57 ECAB 593 (2006); *Vicente P. Taimanglo*, 45 ECAB 504 (1994).

⁷ *Id.*

⁸ *Id.*; *see also M.H.*, Docket No. 14-1389 (issued October 22, 2014).

⁹ *See supra* note 6.

¹⁰ *See supra* note 8.

¹¹ *See Order Remanding Case, P.H.*, Docket No. 21-0364 (issued May 13, 2022); *C.M.*, Docket No. 11-1988 (issued June 6, 2012).

As appellant filed her August 4, 2025 request for reconsideration within one year of the October 15, 2024 OWCP decision, the Board finds that OWCP improperly denied her request for reconsideration by applying the legal standard for cases where reconsideration is requested after more than one year has elapsed.¹² OWCP should have applied the standard reserved for timely requests for reconsideration as set forth in 20 C.F.R. § 10.606(b)(3).¹³ Since it erroneously reviewed the evidence submitted in support of appellant's request for reconsideration under the more stringent clear evidence of error standard, the Board will remand the case to OWCP for review of this evidence under the proper standard of review for a timely request for reconsideration.¹⁴ Accordingly,

IT IS HEREBY ORDERED THAT the November 19, 2025 decision of the Office of Workers' Compensation Programs is reversed and the case is remanded for further proceedings consistent with this order of the Board.

Issued: May 22, 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

¹² See *supra* notes 1 through 5.

¹³ 20 C.F.R. § 10.606(b)(3) of OWCP's regulations provide that a request reconsideration must be in writing and set forth arguments and contain evidence that either: (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.

¹⁴ See *D.S.*, Docket No. 23-0396 (issued December 27, 2023).