United States Department of Labor
Employees' Compensation Appeals Board

R.L., Appellant	)	
and	)	**Docket No. 26-0573**
	)	**Issued: October 28, 2026**
DEPARTMENT OF VETERANS AFFAIRS, ROCKY MOUNTAIN REGIONAL VA MEDICAL CENTER, Aurora, CO, 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
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On June 8, 2026 appellant filed a timely appeal from a February 19, 2026 merit decision and an April 14, 2026 nonmerit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act[1] (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.[2]

ISSUES

The issues are: (1) whether appellant has met her burden of proof to establish an allergic reaction/uriticia 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).

[1] 5 U.S.C. § 8101 *et seq*.

[2] The Board notes that, following the April 14, 2026 decision, appellant submitted additional evidence to OWCP. However, the Board's *Rules of Procedure* provides: "The Board's review of a case is limited to the evidence in the case record that was before OWCP at the time of its final decision. Evidence not before OWCP will not be considered by the Board for the first time on appeal." 20 C.F.R. § 501.2(c)(1). Thus, the Board is precluded from reviewing this additional evidence for the first time on appeal. *Id*.

FACTUAL HISTORY

On July 31, 2026 appellant, then a 43-year-old medical support assistant, filed an occupational disease claim (Form CA-2) alleging that she sustained hives, itching, and swelling of the mouth and face as a result of factors of her federal employment including exposure to airborne contaminants in a construction zone. She noted that she first became aware of her condition and its relation to her federal employment on July 24, 2025. Appellant stopped work on that date.

On July 24, 2025 appellant sought treatment with Blaine Barsch, a physician assistant. On August 21, 2025 Elva Saint, a nurse practitioner, provided treatment.

In an August 21, 2025 state form report, Dr. Amanda Cava, a Board-certified family practitioner, diagnosed urticaria. She related that appellant was experiencing an allergic reaction with hives on her mouth and on her arms. Dr. Cava responded "Yes" to the question of whether her objective findings were consistent with appellant's history or the work-related mechanism of injury.

In a separate report also dated August 21, 2025, Dr. Linda Young, a Board-certified family practitioner, related that appellant's office was moved to a construction zone and three days later she experienced an allergic reaction with hives on her mouth and arms and an irritated voice. She noted that the employing establishment had conducted an air test but had not provided results. Dr. Young diagnosed urticaria. She responded "Yes" to the question of whether her objective findings were consistent with appellant's history or the work-related mechanism of injury.

On August 26, 2025 Andrea J. Nettles, a physician assistant, opined that appellant could return to modified-duty work.

In an August 26, 2025 report, Dr. Angela Giampaolo, a Board-certified family practitioner, diagnosed urticaria. She provided a temporary restriction of no working in a construction zone building where the reactions occurred. Dr. Giampaolo related that appellant's desk was moved near a construction area and after three days she began having an allergic reaction. She responded "Yes" to the question of whether appellant's objective findings were consistent with her history or a work-related mechanism of injury.

In a development letter dated September 4, 2025, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence needed and provided a questionnaire for her 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 information regarding appellant's claim, including comments from a knowledgeable supervisor. OWCP afforded the employing establishment 30 days to submit the requested information.

Thereafter, Ms. Nettles examined appellant on September 12, 2025 for follow up for an allergic reaction.

On September 15, 2025 appellant's supervisor, J.A., responded and related that he was unaware of the specific air contaminants but that there was an airborne exposure at the employing establishment as all the staff on the eighth floor were removed and were not yet allowed to return. He asserted that there were no precautions taken at the time of the exposure, that the exposure impacted all the employees at once, and that it worsened over time.

In a letter dated September 16, 2025, OWCP requested additional information from the employing establishment.

In a follow-up September 23, 2025 letter, OWCP advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish her claim. It advised that she had 60 days from the September 4, 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.

On September 23, 2025 the employing establishment provided an indoor air quality investigation which related that demolition of building materials occurred on July 19 through 20, 2025 including the removal of sheetrock and wall framing. On July 21, 2025 the construction phase began. Commencing July 24, 2025 employees near the construction site reported isolated rashes, headaches, and trouble breathing. It was discovered that there was a breach in the polyethylene sheeting barrier that was intended to separate the construction site dust from the occupied space. There were no specific air contaminants identified by the indoor air quality investigation.

In an October 10, 2025 report, Dr. Paul Plocet, a Board-certified family practitioner, diagnosed urticaria. He related that appellant's desk was moved near to a construction zone and that three days later she began having an allergic reaction with hives all about her face. Dr. Plocet responded "Yes" to the question of whether his objective findings were consistent with her history and work-related mechanism of injury. He noted that appellant's symptoms had improved whilst working from home and avoiding the employing establishment.

On November 6 and December 18, 2025 appellant sought treatment from Cal Smith, a physician assistant. On January 30, 2026 Ms. Nettles provided treatment.

By decision dated February 19, 2026, OWCP denied appellant's occupational disease claim, finding that the medical evidence did not establish urticaria causally related to the accepted factors of appellant's federal employment.

On March 24, 2026 appellant requested reconsideration and provided a statement contending that her claim should be accepted.

By decision dated April 14, 2026, 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[3] 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, that the claim was filed within the applicable time limitation, that an injury was sustained while in the performance of duty, as alleged, and that any disability or specific condition for which compensation is claimed is causally related to the

[3] *Supra* note 1.

employment injury.[4] These are the essential elements of every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.[5]

In an occupational disease claim, appellant's burden of proof requires submission of 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 this case is not in posture for a decision.

Appellant submitted August 21, 2025 reports from Drs. Cava and Young, an August 26, 2025 report from Dr. Giampaolo, and an October 10, 2025 report from Dr. Plocet diagnosing urticaria and responding "Yes" to the question of whether her allergic reaction was consistent with her history of injury. Dr. Giampaolo explained that appellant's condition developed three days after her work area was relocated near a construction site. She provided a temporary restriction of no working in a construction zone building where the reactions occurred. Dr. Plocet further related that her symptoms had been alleviated by work from home and no further exposure to the employing establishment. The Board has long held that it is unnecessary that the evidence of record in a case be so conclusive as to suggest causal connection beyond all possible doubt. Rather,

[4] *E.S.*, Docket No. 18-1580 (issued January 23, 2020); *M.E.*, Docket No. 18-1135 (issued January 4, 2019); *C.S.*, Docket No. 08-1585 (issued March 3, 2009); *Bonnie A. Contreras*, 57 ECAB 364 (2006).

[5] *E.S.*, *id.*; *S.P.*, 59 ECAB 184 (2007); *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

[6] *A.C.*, Docket No. 25-0783 (issued September 15, 2025); *S.C.*, Docket No. 18-1242 (issued March 13, 2019).

[7] *W.M.*, Docket No. 14-1853 (issued May 13, 2020); *T.H.*, 59 ECAB 388, 393 (2008); *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).

the evidence required is only that which is necessary to convince the adjudicator that the conclusion drawn is rational, sound, and logical.[10]

It is well established that proceedings under FECA are not adversarial in nature and, while appellant has the burden of proof to establish entitlement to compensation, OWCP shares responsibility for the development of the evidence and to see that justice is done.[11]

The Board finds that the reports dated August 21, 2025 from Drs. Cava and Young, August 26, 2025 from Dr. Giampaolo, and October 10, 2025 from Dr. Plocet are consistent in indicating that appellant sustained an employment-related allergic reaction and are not contradicted by any substantial medical or factual evidence of record. While the reports are not sufficient to meet her burden of proof to establish her claim, they raise an uncontroverted inference between appellant's claimed condition and the accepted employment incident, and are sufficient to require OWCP to further develop the medical evidence and the case record.[12]

On remand, OWCP shall refer appellant to a specialist in the appropriate field of medicine, along with the case record and an updated SOAF, for an evaluation and a well-rationalized opinion as to whether appellant's diagnosed urticaria was causally related to the accepted employment exposure. If the second opinion physician disagrees that the diagnosed urticaria was causally related to the accepted employment exposure, he or she must provide a fully-rationalized explanation of why the accepted employment exposure is insufficient to have caused or contributed to appellant's medical condition. After this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.

CONCLUSION

The Board finds that this case is not in posture for a decision.[13]

[10] *R.B.,* Docket No. 24-0691 (issued July 31, 2024); *R.J.,* Docket No. 20-0223 (issued October 22, 2020); *W.M.*, Docket No. 17-1244 (issued November 7, 2017); *E.M.*, Docket No. 11-1106 (issued December 28, 2011); *Kenneth J. Deerman*, 34 ECAB 641, 645 (1983) and cases cited therein.

[11] *See B.L.,* Docket No. 26-0510 (issued September 1, 2026); *A.K.*, Docket No. 20-1426 (issued March 8, 2021); *B.C.*, Docket No. 15-1853 (issued January 19, 2016); *E.J.*, Docket No. 09-1481 (issued February 19, 2010); *John J. Carlone,*41 ECAB 354 (1989).

[12] *Id.*; *F.F.,* Docket No. 23-0721 (issued December 4, 2023); *L.D.,* Docket No. 22-0039 (issued July 11, 2022); *D.S.*, Docket No. 17-1359 (issued May 3, 2019); *X.V.*, Docket No. 18-1360 (issued April 12, 2019); *C.M.*, Docket No. 17-1977 (issued January 29, 2019); *J.H.,* Docket No. 09-1988 (issued July 9, 2010); *Phillip L. Barnes*, 55 ECAB 426 (2004); *see Virginia Richard, claiming as executrix of the estate of Lionel F. Richard*, 53 ECAB 430 (2002); *Dorothy L. Sidwell*, 36 ECAB 699 (1985); *William J. Cantrell*, 34 ECAB 1233 (1993).

[13] In light of the Board's disposition of Issue 1, Issue 2 is rendered moot.

ORDER

IT IS HEREBY ORDERED THAT the February 19, 2026 decision is set aside and the case is remanded for further proceedings consistent with this decision of the Board. The April 14, 2026 decision of the Office of Workers' Compensation Programs is set aside as moot.

Issued: October 28, 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