United States Department of Labor
Employees' Compensation Appeals Board

T.J., Appellant	)	
and	)	**Docket No. 26-0581**
	)	**Issued: October 29, 2026**
U.S. POSTAL SERVICE, PARK HILLS POST OFFICE, Park Hills, MO, Employer	)	

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

Case Submitted on the Record

DECISION AND ORDER

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

JURISDICTION

On June 9, 2026 appellant filed a timely appeal from April 13 and May 5, 2026 merit decisions, and a June 8, 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 is entitled to schedule award compensation for facial disfigurement; 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 June 8, 2026 decision, OWCP received additional evidence. 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 January 8, 2024 appellant, then a 37-year-old rural carrier, filed an occupational disease claim (Form CA-2) alleging that she developed basal cell carcinoma on the right side of her forehead and right nasal sidewall due to factors of her federal employment, including prolonged sun exposure while delivering mail since September 2013. She noted that she first became aware of her condition on January 2, 2024, and realized its relationship to her federal employment on January 5, 2024. OWCP accepted the claim for basal cell carcinoma of skin of right nose and right forehead.

Appellant underwent OWCP-authorized procedures to evaluate and treat her right forehead and nose conditions, including a shave biopsy on January 2, 2024, Mohs surgery on May 29, 2024, and complex facial reconstruction surgery on May 31, 2024.

OWCP subsequently expanded its acceptance of the claim to include basal cell carcinoma of the chest.

On July 25, 2024 appellant filed a claim for compensation (Form CA-7) for a schedule award.

By decision dated February 4, 2025, OWCP denied appellant's schedule award claim, finding that the medical evidence of record was insufficient to establish that she sustained a permanent impairment of a scheduled member causally related to the accepted employment injury.

In a report dated April 28, 2025, Dr. John D. Walsh, Board-certified in emergency medicine, performed a physical examination and observed a well-healed linear scar approximately 4.5 centimeters in length across the right forehead with associated soft tissue depression/ indentation and loss of natural color, a postoperative scar along the right nasal sidewall with evidence of skin thinning and raised borders indicative of hypertrophic scar formation, and mild erythema over the nasal scar region but no oozing, ulceration, or open wounds. He also observed multiple pigmented lesions on the posterior trunk, with at least three lesions greater than 6 millimeters in diameter and one lesion recently biopsied with early epithelialization. Dr. Walsh referenced the sixth edition of the American Medical Association, *Guides to the Evaluation of Permanent Impairment* (A.M.A., *Guides*)[3] and found that appellant had 93 percent permanent impairment of the skin.

On May 23, 2025 appellant filed a Form CA-7 requesting a schedule award.

In a development letter dated June 8, 2025, OWCP noted that it had received appellant's claim for a schedule award for a permanent disfigurement as a result of her accepted employment injury. It advised her that a schedule award was not to exceed $3,500.00 for serious disfigurement of the face, head, or neck if such disfigurement was likely to handicap an individual in securing or maintaining employment. OWCP directed appellant to complete an enclosed application for disfigurement (Form CA-1094) and to attach two photographs to the application which showed different views of the disfigurement.

[3] A.M.A., *Guides* (6th ed. 2009).

On June 18, 2025 appellant filed a Form CA-1094 with attached photographs.

On June 26, 2025 OWCP referred the case record and a statement of accepted facts (SOAF) to Dr. Michael Minev, a Board-certified internist serving as an OWCP District Medical Adviser (DMA) and requested that he review the evidence of record and provide an opinion regarding appellant's claim for a schedule award.

OWCP subsequently received a completed Form CA-1094 dated June 16, 2025 by Dr. Walsh who noted that appellant had reached maximum medical improvement (MMI) on April 28, 2025, and that no further significant cosmetic or functional improvement was expected. He provided a description of her facial scars and noted that they were permanent.

In a report dated July 14, 2025, Dr. Minev, the DMA, reviewed the SOAF and case record, including Dr. Walsh's April 28, 2025 medical report and June 16, 2025 Form CA-1094. He concurred with Dr. Walsh's opinion that appellant had 93 percent impairment of the skin in accordance with the sixth edition of the A.M.A., *Guides*.[4] Dr. Minev indicated that she had reached MMI as of April 28, 2025, the date of Dr. Walsh's examination.

By decision dated September 2, 2025, OWCP granted appellant a schedule award for 93 percent permanent impairment of the skin. The award ran for 190.65 weeks from April 28, 2025 through December 22, 2028.

On January 2, 2026 OWCP requested that Dr. Minev, as DMA, provide an assessment of facial disfigurement. In a February 9, 2026 report, Dr. Minev reviewed the medical record, SOAF, and photographs and found that appellant's facial scars were disfiguring but were not expected to impact her ability to secure or maintain employment.

In a memorandum to file dated April 9, 2026, an OWCP Assistant Office Director reviewed photographs and Dr. Minev's February 9, 2026 report and determined that appellant's facial disfigurement was not likely to hinder her ability to secure or maintain employment.

By decision dated April 13, 2026, OWCP denied appellant's claim for a schedule award for a serious disfigurement of the face, head, or neck.

On April 15, 2026 appellant requested reconsideration of OWCP's April 13, 2026 decision.

By decision dated May 5, 2026, OWCP denied modification of the April 13, 2026 decision.

On May 14, 2026 appellant requested reconsideration of OWCP's May 5, 2026 decision. She argued that the depth, color, and size of her facial scars affected her appearance, thereby warranting a schedule award.

By decision dated June 8, 2026, OWCP denied appellant's request for reconsideration of the merits of her claim, pursuant to 5 U.S.C. § 8128(a).

[4] *Id*.

LEGAL PRECEDENT -- ISSUE 1

FECA provides in section 8107(c)(21) that, for serious disfigurement of the face, head or neck of a character likely to handicap an individual in securing or maintaining employment, proper and equitable compensation not to exceed $3,500.00 shall be awarded in addition to any other compensation payable under this schedule.[5]

OWCP's procedures provide that, after obtaining all necessary medical evidence, photographs, and a completed Form CA-1094, the file should be routed to OWCP's DMA for a description of the disfigurement and an opinion stating whether MMI has occurred. If the DMA finds MMI has occurred, the concurrence of the Assistant District Director or the District Director must be obtained. The parties evaluating the disfigurement will place a memorandum in the file which states their findings and decision with supporting rationale. The case will then be returned for payment of the award not to exceed $3,500.00, or denial of the application.[6]

In a case involving facial disfigurement, the question before the Board is whether the amount awarded by OWCP was based upon sound and considered judgment and was proper and equitable under the circumstances as provided by section 8107(c)(21) of FECA.[7] As the only limitation on OWCP's authority is reasonableness, abuse of discretion is generally shown through proof of manifest error, clearly unreasonable exercise of judgment, or actions that are contrary to both logic and probable deduction from established facts.[8] The Board will not interfere with or set aside a disfigurement determination of OWCP unless it is clearly in error.[9]

ANALYSIS -- ISSUE 1

The Board finds that appellant has not established that she sustained facial disfigurement warranting a schedule award.

Dr. Minev, serving as OWCP's DMA, reviewed appellant's file and, in his February 9, 2026 report, found that her facial scars were disfiguring but were not expected to impact her ability to secure or maintain employment. On April 9, 2026 OWCP's Assistant Office Director concurred that appellant's disfigurement was not likely to hinder her ability to secure or maintain employment. As noted above, OWCP's procedures provide that the DMA will be asked to review such claims and to evaluate the employee's disfigurement, to be followed by concurrence of the Assistant District Director or the District Director.[10] OWCP followed these procedures in this case.

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[5] 5 U.S.C. § 8107(c)(21).

[6] Federal (FECA) Procedure Manual, Part 2 -- Claims, *Schedule Awards and Permanent Disability Claims*, Chapter 2.808.10d (version 1.2, issued May 4, 2026).

[7] *Hylan Shelton*, 57 ECAB (2006).

[8] *Daniel J. Perea*, 42 ECAB 214, 221 (1990).

[9] *Matthew Leonka*, 38 ECAB 119, 121 (1986).

[10] *Supra* note 7.

In a medical report dated April 28, 2025 and Form CA-1094 dated June 16, 2025, Dr. Walsh described the size and appearance of appellant's facial scars. He did not, however, indicate that these conditions would handicap her in securing or maintaining employment.

There is no evidence of record to establish a disfigurement of the face, head, or neck, which is likely to handicap appellant in securing or maintaining employment causally related to the accepted January 2, 2024 employment injury. The Board, therefore, finds that OWCP did not abuse its discretion in determining that appellant was not entitled to monetary compensation for facial disfigurement.[11]

Appellant may request a schedule award or increased schedule award based on evidence of a new exposure or medical evidence showing progression of an employment-related condition resulting in permanent impairment or increased permanent impairment.

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 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]

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[11] *See L.J.*, Docket No. 13-0104 (issued October 21, 2013); *J.C.*, 58 ECAB 258 (2007).

[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).

[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 (version 1.2, issued May 4, 2026). 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 (version 1.2, issued May 4, 2026).

[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).

ANALYSIS -- ISSUE 2

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

On May 14, 2026 appellant requested reconsideration of OWCP's May 5, 2026 decision. She argued that the depth, color, and size of her facial scars affected her appearance, thereby warranting a schedule award. However, this argument was previously considered by OWCP. As appellant neither showed that OWCP erroneously applied or interpreted a specific point of law, nor did she advance a relevant legal argument not previously considered by OWCP, the Board finds that appellant 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).[17]

Appellant also did not submit any pertinent new evidence with her request for reconsideration. Therefore, she is not entitled to a review of the merits based on the third above-noted requirement under 20 C.F.R. § 10.606(b)(3).[18]

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.

CONCLUSION

The Board finds that appellant has not established a permanent impairment due to facial disfigurement. The Board further finds that OWCP properly denied appellant's request for reconsideration of the merits of her claim, pursuant to 5 U.S.C. § 8128(a).

[17] *See L.W.,* Docket No. 21-0607 (issued October 18, 2022).

[18] *See* 20 C.F.R. § 10.606(b)(3)(iii); *see also S.W.,* Docket No. 25-0261 (issued February 24, 2025).

ORDER

IT IS HEREBY ORDERED THAT the April 13, May 5, and June 8, 2026 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: October 29, 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