United States Department of Labor
Employees' Compensation Appeals Board

R.R., Appellant	)	
and	)	**Docket No. 26-0626**
	)	**Issued: October 16, 2026**
U.S. POSTAL SERVICE, SUN PRAIRIE POST OFFICE, Sun Prairie, WI, Employer	)	

Appearances:
Alan J. Shapiro, Esq., for the appellant[1]
Office of Solicitor, for the Director

Case Submitted on the Record

ORDER REMANDING CASE

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

On June 26, 2026 appellant, through counsel, filed a timely appeal from a June 10, 2026 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards docketed the appeal as No. 26-0626.[2]

[1] In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; *see also* 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

[2] The Board notes that, following the June 10, 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.*

This case has previously been before the Board.[3] The facts and circumstances of the case as set forth in the Board's prior order are incorporated herein by reference. The relevant facts are as follows.

On March 4, 2024 appellant, then a 55-year-old rural delivery specialist, filed a traumatic injury claim (Form CA-1) alleging that on March 2, 2024 she injured both knees when she dismounted her postal vehicle while in the performance of duty. She explained that she landed on her right leg and felt something tear in her right knee. Appellant then transferred her weight to her left leg. She further explained that she experienced pain in both knees, but the pain in her left knee pain worsened throughout her work shift.[4] Appellant stopped work on March 3, 2024 and returned on March 5, 2024.

By decision dated August 26, 2024, OWCP denied appellant's claim, finding that the medical evidence of record was insufficient to establish a diagnosed medical condition in connection with the accepted March 2, 2024 employment incident. It concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

Appellant requested reconsideration on December 20, 2024.

By decision dated January 2, 2025, OWCP denied appellant's request for reconsideration of the merits of the claim, pursuant to 5 U.S.C. § 8128(a).

On January 21, 2025 appellant requested reconsideration and provided additional medical evidence.

By decision dated February 5, 2025, OWCP modified the August 26, 2024 decision to find that the medical evidence of record was sufficient to establish diagnosed conditions in connection with the accepted March 2, 2024 employment incident. However, the claim remained denied as the medical evidence of record was insufficient to establish causal relationship between appellant's diagnosed conditions and the accepted March 2, 2024 employment incident. OWCP indicated that it would administratively combine the current claim with OWCP File No. xxxxxx667.

Appellant subsequently requested reconsideration on June 24, July 18, and July 24, 2025.

By decisions dated July 9, July 23, and August 11, 2025, respectively, OWCP denied modification.

On November 24, 2025 appellant, through counsel, appealed to the Board. By order dated March 4, 2026, the Board set aside the August 11, 2025 decision and remanded the case for OWCP

[3] *Order Remanding Case,* Docket No. 26-0116 (issued March 4, 2026).

[4] OWCP assigned the present claim OWCP File No. xxxxxx115. Appellant has a previously accepted occupational disease claim (Form CA-2) under OWCP File No. xxxxxx667 for right knee patellar tendinitis, prepatellar buritis and arthroscopy. She subsequently filed a Form CA-1 for a left leg fracture on November 29, 2025 due to a fall while in the performance of duty under OWCP File No. xxxxxx331. Appellant's claims have not been administratively combined by OWCP as of the issuance of the June 10, 2026 decision.

to administratively combine OWCP File Nos. xxxxxx667 and xxxxxx331 with the present claim, followed by a *de novo* decision.

OWCP subsequently received medical evidence.

By decision dated June 10, 2026, OWCP again denied modification, finding that the medical evidence of record was insufficient to causal relationship between her diagnosed conditions and the accepted March 2, 2024 employment incident.

The Board, having duly considered this matter, finds that the case is not in posture for decision.

By order dated March 4, 2026, the Board set aside OWCP's August 11, 2025 decision and remanded the case for OWCP to administratively combine OWCP File Nos. xxxxxx667 and xxxxxx331 with the present claim, OWCP File No. xxxxxx115, followed by a *de novo* decision. OWCP, however, did not administratively combine the claims as instructed by the Board.

As OWCP failed to follow the Board's instructions in its March 4, 2026 decision, the case shall, therefore, again be remanded for OWCP to administratively combine OWCP File Nos. xxxxxx667 and xxxxxx331 and the present claim OWCP File No. xxxxxx115. Following any further development deemed necessary, OWCP shall issue a *de novo* decision.

IT IS HEREBY ORDERED THAT the June 10, 2026 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.

Issued: October 16, 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