United States Department of Labor
Employees' Compensation Appeals Board

J.G., Appellant	)	
	)	**Docket No. 26-0654**
and	)	**Issued: October 15, 2026**
	)	
U.S. POSTAL SERVICE, PHILADELPHIA METRO DISTRICT OFFICE, Philadelphia, PA, 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 July 7, 2026 appellant filed a timely appeal from a March 16, 2026 nonmerit decision of the Office of Workers' Compensation Programs (OWCP).[1] As more than 180 days have elapsed from the last merit decision, dated July 2, 2025, pursuant to the Federal Employees' Compensation

[1] Appellant submitted a timely request for oral argument before the Board. 20 C.F.R. § 501.5(b). Pursuant to the Board's *Rules of Procedure*, oral argument may be held in the discretion of the Board. 20 C.F.R. § 501.5(a). In support of appellant's oral argument request, he argued the merits of his underlying disability and expansion claims. The Board, in exercising its discretion, denies appellant's request for oral argument because the Board does not have jurisdiction over the merits of this case and, thus, the arguments on appeal can adequately be addressed in a decision based on a review of the case record. Oral argument in this appeal would further delay issuance of a Board decision and not serve a useful purpose. As such, the oral argument request is denied, and this decision is based on the case record as submitted to the Board.

Act[2] (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board lacks jurisdiction over the merits of this case.[3]

ISSUE

The issue is whether OWCP properly determined that appellant abandoned his request for an oral hearing.

FACTUAL HISTORY

On July 30, 2024 appellant, then a 59-year-old city carrier, filed a traumatic injury claim (Form CA-1) alleging that on that date he injured his back and right leg when he bent over to pick up a package while in the performance of duty.[4] He stopped work on the date of injury. OWCP accepted the claim for lower back strain.

On April 8, 2025 appellant filed a claim for compensation (Form CA-7) for disability from work commencing March 22, 2025, and submitted medical evidence.

By decision dated July 2, 2025, OWCP denied appellant's claim for disability from work commencing March 22, 2025, causally related to the accepted July 30, 2024 employment injury.

On July 31, 2025, appellant, through his then-counsel, requested an oral hearing before a representative of OWCP's Branch of Hearings and Review with respect to the July 2, 2025 decision. In a letter of even date, appellant's then-counsel requested to change the request for an oral hearing to a request for a review of the written record.

On August 4, 2025, OWCP's Branch of Hearings and Review acknowledged appellant's request for "an appeal" of his claim.

On September 8, 2025, OWCP received notice of removal of appellant's then-counsel. By letter dated September 10, 2025, OWCP acknowledged appellant's then-counsel's representation.

By notice dated January 28, 2026, OWCP's hearing representative informed appellant that an oral hearing was scheduled for March 3, 2026, at 11:00 a.m. Eastern Standard Time (EST). The notice provided call-in instructions, the toll-free telephone number, and the appropriate passcode

[2] 5 U.S.C. § 8101 *et seq*.

[3] The Board notes that, following the March 16, 2026 decision, OWCP received additional evidence. 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*.

[4] OWCP assigned the present claim OWCP File No. xxxxxx818. Appellant previously filed a Form CA-1 for a February 19, 2013 injury, which OWCP accepted for thoracic or lumbosacral neuritis or radiculitis under OWCP File No. xxxxxx662. OWCP has administratively combined OWCP File Nos. xxxxxx662 and xxxxxx818, with the latter serving as the master file.

to access the hearing. The hearing representative mailed the notice to appellant's last known address of record.

Appellant did not appear for the scheduled hearing.

By decision dated March 16, 2026, OWCP found that appellant had abandoned his request for an oral hearing with respect to the July 2, 2025 decision, as he had received written notification of the hearing 30 days in advance, but failed to appear. The hearing representative further found that there was no indication in the case record that appellant had contacted the Branch of Hearings and Review either prior to or after the scheduled hearing to explain his failure to appear.

LEGAL PRECEDENT

A claimant who has received a final adverse decision by OWCP may obtain a hearing by writing to the address specified in the decision within 30 days of the date of the decision for which a hearing is sought.[5] Unless otherwise directed in writing by the claimant, OWCP's hearing representative will mail a notice of the time and place of the hearing to the claimant and any representative at least 30 days before the scheduled date.[6] OWCP has the burden of proving that it properly mailed to a claimant and any representative of record a notice of a scheduled hearing.[7]

A claimant who fails to appear at a scheduled hearing may request in writing, within 10 days after the date set for the hearing, that another hearing be scheduled. Where good cause for failure to appear is shown, another hearing will be scheduled and conducted by teleconference.[8]

The failure of the claimant to request another hearing within 10 days, or the failure of the claimant to appear at a second scheduled hearing without good cause shown, shall constitute abandonment of the request for a hearing.[9]

ANALYSIS

The Board finds that OWCP improperly determined that appellant abandoned his request for an oral hearing.

On July 31, 2025 appellant, through his then-counsel, requested an oral hearing before a representative of OWCP's Branch of Hearings and Review with respect to the July 2, 2025 decision. In a letter of even date, appellant's then-counsel requested to change the request for an

[5] 20 C.F.R. § 10.616(a).

[6] *Id*. at § 10.617(b).

[7] *A.R.*, Docket No. 19-1691 (issued February 24, 2020); *M.R.*, Docket No. 18-1643 (issued March 1, 2019); *Michelle R. Littlejohn*, 42 ECAB 463(1991).

[8] *Supra* note 6 at § 10.622(f).

[9] *Id*.; Federal (FECA) Procedure Manual, Part 2 -- Claims, *Hearings and Reviews of the Written Record*, Chapter 2.1601.6g (version 1.0, issued March 16, 2026); *see also A.J.*, Docket No. 18-0830 (issued January 10, 2019); *L.B.*, Docket No. 18-0533 (issued August 27, 2018).

oral hearing to a request for a review of the written record. On August 4, 2025, OWCP's Branch of Hearings and Review acknowledged appellant's request for "an appeal" of his claim.

OWCP's regulations provide that, once a request for a hearing has been received, the claimant may request a change in the format from a hearing to a review of the written record by making a written request to the Branch of Hearings and Review.[10] OWCP will grant a request received by the Branch of Hearings and Review within 30 days of: (1) the date OWCP acknowledges the initial hearing request; or (2) the date OWCP issues a notice setting a date for an oral hearing, in cases where the initial request was for, or was treated as a request for, an oral hearing.[11]

As OWCP received appellant's request to convert his request for an oral hearing to a request for review of the written record on July 31, 2025, prior to the August 4, 2025 acknowledgment of appellant's initial hearing request, the Board finds that it was timely requested. OWCP, therefore, should have granted his request for a review of the written record in lieu of an oral hearing.[12]

The Board thus finds that OWCP improperly determined that appellant abandoned his request for an oral hearing. The case shall therefore be remanded to OWCP's Branch of Hearings and Review for a review of the written record followed by a *de novo* decision.

CONCLUSION

The Board finds that OWCP improperly determined that appellant abandoned his request for an oral hearing.

[10] 20 C.F.R. § 10.616(b).

[11] *Id.*

[12] *See S.L.*, Docket No. 17-1273 (issued November 22, 2017).

ORDER

IT IS HEREBY ORDERED THAT the March 16, 2026 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: October 15, 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