United States Department of Labor
Employees' Compensation Appeals Board

H.L., Appellant	)	
	)	**Docket No. 26-0669**
and	)	**Issued: October 5, 2026**
	)	
U.S. POSTAL SERVICE, GREENWOOD POST OFFICE, Greenwood, IN, 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
PATRICIA H. FITZGERALD, Deputy Chief Judge
JANICE B. ASKIN, Judge

JURISDICTION

On July 10, 2026 appellant filed a timely appeal from a May 4, 2026 merit decision and June 29, 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.

ISSUES

The issues are: (1) whether appellant has met his burden of proof to establish a medical diagnosis in connection with the accepted January 16, 2026, employment incident; and (2) whether OWCP properly denied appellant's request for an oral hearing, pursuant to 5 U.S.C. § 8124(b).

FACTUAL HISTORY

On January 22, 2026 appellant, then a 43-year-old city carrier, filed a traumatic injury claim (Form CA-1) alleging that on January 16, 2026 he developed right elbow and right shoulder

[1] 5 U.S.C. § 8101 *et seq.*

pain when he slipped and fell on a slippery sidewalk while delivering mail in the performance of duty. He stopped work on January 17, 2026, and returned to full-time regular-duty work with no restrictions on January 20, 2026.

In a development letter dated February 12, 2026, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of medical evidence needed to establish his claim and afforded him 60 days to submit the necessary evidence.

Hospital emergency department records signed by Dr. Chris J. Hartman, a physician Board-certified in emergency medicine, indicated that on January 16, 2026 appellant presented with complaints of right shoulder and right elbow pain after he slipped and fell on ice while delivering mail on that day. Right shoulder and elbow x-ray examinations were reported within normal limits. Dr. Hartman diagnosed right elbow injury, initial encounter.

By decision dated May 4, 2026, OWCP accepted that the January 16, 2026 employment incident occurred, as alleged. However, it denied the claim, finding that appellant had not submitted medical evidence containing a medical diagnosis in connection with the accepted January 16, 2026 employment incident. Consequently, OWCP found that the requirements had not been met to establish an injury as defined by FECA.

OWCP subsequently received additional medical evidence.

On June 28, 2026, *via* OWCP's Employees' Compensation Operations & Management Portal (ECOMP), appellant requested an oral hearing before a representative of OWCP's Branch of Hearings and Review.

By decision dated June 29, 2026, OWCP denied appellant's request for an oral hearing. It found that the June 28, 2026 request was not made within 30 days of the May 4, 2026 decision, and, therefore, was untimely filed. OWCP further exercised its discretion and determined that the issue in the case could equally well be addressed through a request for reconsideration before OWCP along with the submission of new evidence.

LEGAL PRECEDENT -- ISSUE 1

An employee seeking benefits under FECA[2] has the burden of proof to establish the essential elements of his or her claim, including that the individual is an employee of the United States within the meaning of FECA, that the claim was timely filed within the applicable time limitation of FECA,[3] that an injury was sustained in the performance of duty as alleged, and that any disability or medical condition for which compensation is claimed is causally related to the

[2] *Id*.

[3] *F.H.*, Docket No.18-0869 (issued January 29, 2020); *J.P.*, Docket No. 19-0129 (issued April 26, 2019); *Joe D. Cameron*, 41 ECAB 153 (1989).

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

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it first must be determined whether fact of injury has been established. There are two components involved in establishing fact of injury. First, the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time and place, and in the manner alleged. Second component is whether the employment incident caused a personal injury and can be established only by medical evidence.[6]

The medical evidence required to establish a causal relationship between a claimed specific condition and an employment incident is rationalized medical opinion evidence.[7] The opinion of the physician must be based on a complete factual and medical background of the employee, must be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and specific employment factors identified by the employee.[8]

ANALYSIS -- ISSUE 1

The Board finds that appellant has not met his burden of proof to establish a medical diagnosis in connection with the accepted January 16, 2026 employment incident.

In support of his claim, appellant submitted hospital emergency department records, wherein Dr. Hartman noted a history of the January 16, 2026 employment incident and diagnosed right elbow injury, initial encounter. However, Dr. Hartman did not provide a firm diagnosis of a medical condition. The Board has held that a medical report lacking a firm diagnosis of a medical condition is of no probative value.[9] Therefore, this evidence is insufficient to establish the claim.

As the medical evidence of record is insufficient to establish a medical diagnosis in connection with the January 16, 2026 employment incident, the Board finds that appellant has not met his burden of proof.

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[4] *L.C.*, Docket No. 19-1301 (issued January 29, 2020); *J.H.*, Docket No. 18-1637 (issued January 29, 2020); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

[5] *P.A.*, Docket No. 18-0559 (issued January 29, 2020); *K.M.*, Docket No. 15-1660 (issued September 16, 2016); *Delores C. Ellyett*, 41 ECAB 992 (1990).

[6] *T.H.*, Docket No. 19-0599 (issued January 28, 2020); *K.L.*, Docket No. 18-1029 (issued January 9, 2019); *John J. Carlone*, 41 ECAB 354 (1989).

[7] *S.S.*, Docket No. 19-0688 (issued January 24, 2020); *A.M.*, Docket No. 18-1748 (issued April 24, 2019); *Robert G. Morris*, 48 ECAB 238 (1996).

[8] *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).

[9] *D.I.,* Docket No. 26-0491 (issued August 10, 2026); *S.S.,* Docket No. 26-0259 (issued May 11, 2026); *M.T.,* Docket No. 25-0358 (issued April 7, 2025).

Appellant may submit new evidence or argument with a written request for reconsideration to OWCP within one year of this merit decision, pursuant to 5 U.S.C. § 8128 and 20 C.F.R. §§ 10.605 through 10.607.

LEGAL PRECEDENT -- ISSUE 2

Section 8124(b) of FECA states: "Before review under section 8128(a) of this title, a claimant for compensation not satisfied with a decision of the Secretary ... is entitled, on request made within 30 days after the date of issuance of the decision, to a hearing on his or her claim before a representative of the Secretary."[10] Section 10.615 of OWCP's federal regulations, implementing this section of FECA, provides that a claimant who requests a hearing can choose between two formats, either an oral hearing or a review of the written record by an OWCP hearing representative.[11] As section 8124(b)(1) is unequivocal in setting forth the time limitation for requesting a hearing, a claimant is not entitled to a hearing as a matter of right unless the request is made within the requisite 30 days.[12] The date of filing for an oral hearing or review of the written record is fixed by postmark or other carrier's date marking,[13] or the date received in ECOMP, and before the claimant has requested reconsideration.[14] Although there is no right to a hearing/review of the written record if not requested within the 30-day time period, OWCP may within its discretionary powers grant or deny appellant's request and must exercise its discretion.[15]

ANALYSIS -- ISSUE 2

The Board finds that OWCP properly denied appellant's request for an oral hearing, pursuant to 5 U.S.C. § 8124(b).

OWCP's procedures provide that a request for an oral hearing/review of the written record must be made within 30 days of the date of the decision for which a review is sought.[16] Appellant, therefore, had 30 days following OWCP's May 4, 2026 merit decision to request an oral hearing/review of the written record. As he did not request an oral hearing until June 28, 2026,

[10] 5 U.S.C. § 8124(b)(1).

[11] 20 C.F.R. § 10.615.

[12] *T.A.*, Docket No. 18-0431 (issued November 7, 2018); *Ella M. Garner*, 36 ECAB 238, 241-42 (1984).

[13] 20 C.F.R. § 10.616(a).

[14] *Id.*; Federal (FECA) Procedure Manual, Part 2 -- Claims, *Hearings and Reviews of the Written Record*, Chapter 2.1601.4a (version 1.1 April 24, 2026); *D.W.*, Docket No. 25-0019 (issued November 22, 2024).

[15] *M.F.*, Docket No. 21-0878 (issued January 6, 2022); *W.H.*, Docket No. 20-0562 (issued August 6, 2020); *P.C.*, Docket No. 19-1003 (issued December 4, 2019); *Eddie Franklin*, 51 ECAB 223 (1999); *Delmont L. Thompson*, 51 ECAB 155 (1999).

[16] *S.L.,* Docket No. 26-0368 (issued June 17, 2026); *J.P.*, Docket No. 25-0860 (issued January 5, 2026); *J.C. (S.C.)*, Docket No. 24-0576 (issued August 28, 2024).

more than 30 days after OWCP's May 4, 2026 decision, it was untimely filed and he was, therefore, not entitled to an oral hearing as a matter of right.[17]

OWCP also has the discretionary power to grant an oral hearing or review of the written record even if the claimant is not entitled to review as a matter of right. The Board finds that OWCP, in its June 29, 2026 decision, properly exercised its discretion by determining that the issue in the case could be equally well addressed through a request for reconsideration before OWCP, along with the submission of additional evidence.

The Board has held that the only limitation on OWCP's authority is reasonableness. An abuse of discretion is generally shown through proof of manifest error, clearly unreasonable exercise of judgment, or actions taken, which are contrary to both logic and probable deduction from established facts.[18] Accordingly, the Board finds that OWCP properly denied appellant's request for an oral hearing, as untimely filed, pursuant to 5 U.S.C. § 8124(b).[19]

CONCLUSION

The Board finds that appellant has not met his burden of proof to establish a medical diagnosis in connection with the January 16, 2026 employment incident. The Board further finds that OWCP properly denied appellant's request for an oral hearing, pursuant to 5 U.S.C. § 8124(b).

[17] *T.T.,* Docket No. 26-0517 (issued August 24, 2026); *J.P., id.*; *see W.N.,* Docket No. 20-1315 (issued July 6, 2021); *see also G.S.,* Docket No. 18-0388 (issued July 19, 2018).

[18] *See S.I.,* Docket No. 22-0538 (issued October 3, 2022); *T.G.,* Docket No. 19-0904 (issued November 25, 2019); *Daniel J. Perea,* 42 ECAB 214 (1990) (Thomas, Alternate Member, dissenting). *See also, P.G.,* Docket No. 24-0447 (issued August 12, 2024); *D.S.,* Docket No. 21-1296 (issued March 23, 2022).

[19] *See S.I., id.*; *C.G.*, Docket No. 25-0053 (issued December 12, 2024); *C.H.*, Docket No. 20-0540 (issued December 1, 2020).

ORDER

IT IS HEREBY ORDERED THAT the May 4 and June 29, 2026 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: October 5, 2026
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board