United States Department of Labor
Employees' Compensation Appeals Board

M.M., Appellant	)	
and	)	**Docket No. 26-0514**
	)	**Issued: September 1, 2026**
DEPARTMENT OF VETERANS AFFAIRS, EDWARD HINES, JR. VA HOSPITAL, Hines, IL, Employer	)	

Appearances:
Appellant, pro se
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 May 11, 2026, appellant filed a timely appeal from an April 28, 2026 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards docketed the appeal as No. 26-0514.

On April 21, 2025 appellant, then a 43-year-old electronics technician, filed an occupational disease claim (Form CA-2) alleging that he contracted COVID-19 as a result of factors of his federal employment. He noted that he first became aware of his condition on March 20, 2025, and realized its relation to factors of his federal employment on March 21, 2025. In a supporting statement, appellant noted that he worked in the bed shop and was responsible for the repair and maintenance of all beds and mattresses in the nursing home and long-term care areas of the employing establishment, and that his duties required him to go in and out of the rooms in those areas throughout his shift. He was also in close contact with patients, including quarantined patients. OWCP received a laboratory antibody test result of a sample collected on April 11, 2025, indicating that appellant had tested positive for COVID-19.

In an April 25 2025 report, Dr. Rita Gupta, a Board-certified internist, found appellant disabled from work for the period March 21 through 31, 2025 as an at-home test was positive for

COVID-19 and he had symptoms of the illness. He had "informed employee health" of his illness "at that time." Dr. Gupta recounted that appellant, an electronics technician performing bed repairs, was concerned that "he was exposed to COVID at work."

In a development letter dated April 28, 2025, OWCP informed appellant that the evidence of record was insufficient to establish his claim. It advised him of the type of factual and medical evidence needed to establish his claim, provided a questionnaire for his completion, and afforded him 60 days to provide the necessary evidence. In a separate development letter of even date, OWCP requested information from the employing establishment, including comments from a knowledgeable supervisor regarding appellant's allegations. It afforded the employing establishment 30 days to respond.

OWCP subsequently received two photographs of a hospital corridor with a quarantine sign on a door. Appellant indicated that he worked in the depicted area on a daily basis.

In a follow-up letter dated May 21, 2025, OWCP advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish his claim. It noted that appellant had 60 days from the April 28, 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.

In a May 23, 2025 response to OWCP's development questionnaire, appellant described frequent exposure to patients, and his work in quarantine areas. He asserted that he had no nonoccupational exposures to COVID-19.

In a May 23, 2025 statement, the employing establishment confirmed that appellant had been exposed to COVID-19 while in the performance of duty during the period March 18 through 20, 2025.

OWCP subsequently received an April 11, 2025 clinical summary signed by a nurse practitioner, which indicated that appellant had been diagnosed with COVID-19 at a visit that day, and a copy of the April 11, 2025 antibody test result previously of record with the additional notation that the report was written on April 16, 2025.

By decision dated July 11, 2025, OWCP accepted that the implicated employment factors had occurred, as alleged, and that a medical condition had been diagnosed. It denied the claim, however, finding the medical evidence of record was insufficient to establish that his diagnosed COVID-19 condition was causally related to the accepted employment exposure.

On August 11, 2025 appellant requested an oral hearing before a representative of OWCP's Branch of Hearings and Review.

OWCP subsequently received an April 25, 2025 attending note wherein Dr. Gupta indicated that appellant requested a medical letter regarding his March 20, 2025 COVID-19 infection. Appellant recounted the onset of fatigue and upper respiratory symptoms on March 20, 2025. When he called the employee health unit to report his exposure to COVID-19,

unidentified personnel suggested that he remain off work for the period March 21 through 31, 2025.

A hearing was held before a representative of OWCP's Branch of Hearings and Review on February 11, 2026.

In a February 18, 2026 e-mail, Dr. Annu P. Mehta, a Board-certified family practitioner, indicated that she was not appellant's primary care physician at the time of his illness.[1] On review of appellant's chart, Dr. Mehta opined, "[i]t is most likely related to work that you do. Also your report does not say it is not work related."

By decision dated April 28, 2026, OWCP's hearing representative affirmed the July 11, 2025 decision. He did not consider and address Dr. Gupta's April 25, 2025 attending note, or Dr. Mehta's February 18, 2026 e-mail.

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

In the case of *William A. Couch*,[2] the Board held that, when adjudicating a claim, OWCP is obligated to consider and address all evidence properly submitted by a claimant and received by OWCP before the final decision is issued.

In its April 28, 2026 decision, OWCP's hearing representative failed to consider Dr. Gupta's April 25, 2025 attending note, or Dr. Mehta's February 18, 2026 e-mail, which contained additional evidence regarding the underlying COVID-19 claim. While it is not required to list every piece of evidence submitted, OWCP failed to follow its procedures by not considering all of the medical evidence appellant submitted.[3]

As Board decisions are final with regard to the subject matter appealed, it is crucial that OWCP consider and address all relevant evidence received prior to the issuance of its final decision.[4] On remand, OWCP shall review all relevant evidence submitted by appellant regarding whether his COVID-19 diagnosis was causally related to his accepted employment exposure.

[1] In a February 12, 2026 message, Dr. Gupta noted appellant's request that day for a completed attending physician's report (Form CA-20) and indicated that he had last been seen on December 5, 2025 by Dr. Mehta.

[2] 41 ECAB 548 (1990); *see also Order Remanding Case, A.D.,* Docket No. 22-0519 (issued January 11, 2023); *Order Remanding Case, A.B.,* Docket No. 22-0179 (issued June 28, 2022); *Order Remanding Case, S.H.,* Docket No. 19-1582 issued May 26, 2020); *R.D.,* Docket No. 17-1818 (issued April 3, 2018).

[3] *Order Remanding Case, D.L.*, Docket No. 26-0344 (issued July 1, 2026); *Order Remanding Case, C.B.,* Docket No. 25-0823 (issued December 18, 2025); *Order Remanding Case, S.T.,* Docket No. 23-0915 (issued January 8, 2024); *Order Remanding Case, G.A.,* Docket No. 21-0862 (issued June 8, 2022); *E.P.,* Docket No. 20-0655 (issued March 17, 2021). OWCP's procedures provide that all evidence submitted should be reviewed and discussed in the decision. Federal (FECA) Procedure Manual, Part 2 -- Claims, *Initial Denials*, Chapter 2.1401.5b(2) (April 2026).

[4] *See A.B., supra* note 2; *Order Remanding Case, C.S.*, Docket No. 18-1760 (issued November 25, 2019); *Yvette N. Davis*, 55 ECAB 475 (2004); *see also William A. Couch, supra* note 2.

Following this and other such further development as deemed necessary, it shall issue a *de novo* decision. Accordingly,

IT IS HEREBY ORDERED THAT the April 28, 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: September 1, 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