United States Department of Labor
Employees' Compensation Appeals Board

A.C., Appellant	)	
and	)	**Docket No. 26-0552**
	)	**Issued: September 15, 2026**
DEPARTMENT OF VETERANS AFFAIRS, VETERANS ADMINISTRATION MEDICAL CENTER, Birmingham, AL, Employer	)	

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

Case Submitted on the Record

ORDER REMANDING CASE

Before:
ALEC J. KOROMILAS, Chief Judge
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

On June 1, 2026 appellant filed a timely appeal from an April 30, 2026 merit decision of the Office of Workers' Compensation Programs (OWCP),[1] which denied her claim for a recurrence of disability.[2] The Clerk of the Appellate Boards docketed the appeal as No. 26-0552.

[1] Appellant submitted a timely oral argument request before the Board. 20 C.F.R. § 501.5(b). Pursuant to the Board's *Rules of Procedure*, oral argument may be held with the discretion of the Board. 20 C.F.R. § 501.5(a). In support of her oral argument request, appellant contended that she was not aware of the procedures to follow when she returned to full-time work following an employment-related injury. The Board, in exercising its discretion, denies appellant's request for oral argument because 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.

[2] The Board notes that following the April 30, 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.*

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

On June 14, 1996, appellant, then a 28-year-old program clerk/typist, filed an occupational disease claim (Form CA-2) alleging that she sustained major depression due to factors of her federal employment. She indicated that she initially became aware of her condition on March 18, 1996, and related it to factors of her federal employment on April 15, 1996. OWCP accepted the claim for prolonged depressive reaction. Appellant returned to part-time modified-duty work on October 12, 2010, and to full-time, full-duty work on March 11, 2012. She remained under medical treatment.

In late June 2022, appellant began working as a nurse[4] at an employing establishment medical facility in California.

In a September 23, 2024 report, Dr. Tiffany Andry, a Board-certified psychiatrist, diagnosed major depressive disorder, recurrent, moderate, and generalized anxiety disorder. She prescribed medication.

In a January 16, 2026 report, Dr. Andry recounted that appellant was experiencing "an exacerbation of symptoms related to workplace incidents" with a "decline in her functioning and activities of daily living." She held appellant off work through March 3, 2026.

On February 1, 2026, appellant filed a notice of recurrence (Form CA-2a) alleging a recurrence of disability and need for medical treatment commencing in February and March 2025, causally related to the accepted employment injury. She stopped work on January 26, 2026. Appellant asserted that following her return to work after the accepted March 15, 1996 employment injury, she experienced anxiety, depression, fatigue, insomnia, migraines, difficulty concentrating, upset stomach, dermatitis, and joint pain. She attributed the recurrence of disability to a pattern of constant bullying and verbal outbursts by an employee hired the previous year.

OWCP received a February 8, 2026 list of treatment dates for the period May 7, 2025 through February 6, 2026, prepared by Duperly Wright, a licensed marriage and family therapist.

In a development letter dated February 13, 2026, OWCP notified appellant of the deficiencies of her recurrence claim. It advised her of the type of factual and medical evidence needed and provided a questionnaire for her completion. OWCP afforded appellant 30 days to respond.

OWCP subsequently received additional reports wherein Dr. Andry recounted appellant's allegations of workplace events, and diagnosed major depressive disorder, generalized anxiety disorder, and insomnia. In a March 17, 2025 report, Dr. Andry described appellant's "work stress and feeling like someone at work is trying to sabotage her." In a June 17, 2025 report, she related

[3] Docket No. 12-824 (issued August 23, 2012); *Order Dismissing Appeal*, Docket No. 11-1951 (issued May 10, 2012); Docket No. 07-1728 (issued January 10, 2008); Docket No. 01-1791 (issued August 22, 2002).

[4] Appellant earned a bachelor's degree in nursing in August 2005 and a master's degree in nursing in 2008.

appellant's increased symptoms when she realized she was underpaid. In an August 22, 2025 report, Dr. Andry described appellant's allegations that a medical director hired in February 2025 was "trying to control and embarrass her" which retriggered prior traumas. She recounted in a September 23, 2025 report that appellant experienced stress due to "having to deal with a difficult coworker" and "covering extra job roles" after managers retired. In a December 16, 2025 report, Dr. Andry related that "the director at work" triggered appellant every day with harassment and bullying, including an incident after which appellant filed various reports, including a police report, against him. She noted in a January 16, 2026 report that appellant felt victimized by the employing establishment as it was "trying to help the doctor she had been complaining about."

In a March 3, 2026 report, Dr. Andry recounted that appellant did not "feel protected at work" and developed hypervigilance and "an exaggerated startle response."

In a separate report also dated March 3, 2026, and in an April 7, 2026 report, Dr. Andry noted that appellant remained under treatment for major depressive disorder and generalized anxiety disorder, with "an exacerbation of symptoms related to workplace incidents. She now had a decline in her functioning and activities of daily living." Dr. Andry held appellant off work through May 18, 2026.

By decision dated April 30, 2026, OWCP denied appellant's claim for a recurrence of disability, finding that the medical evidence of record, which included Dr. Andry's January 16, 2026 report, Ms. Wright's list of treatment dates, and Dr. Andry's March 3 and April 7, 2026 work excuse notes was insufficient to establish disability from work causally related to her accepted employment injury.

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

In the case of *William A. Couch*,[5] 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 30, 2026 decision, OWCP noted Dr. Andry's reports dated January 16, 2026, March 3 and April 7, 2026, but failed to consider her reports dated September 23, 2024, March 17, June 17, August 22, September 23, and December 16, 2025. While it is not required to list every piece of evidence submitted, it failed to follow its procedures by not considering all of the medical evidence appellant submitted.[6]

[5] 41 ECAB 548 (1990); *see also Order Remanding Case, A.D.,* Docket No. 22-0519 (issued January 11, 2023); *A.B.,* Docket No. 22-0179 (issued June 28, 2022); *S.H.,* Docket No. 19-1582 issued May 26, 2020); *R.D.,* Docket No. 17-1818 (issued April 3, 2018).

[6] *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) (version 1.1, issued April 24, 2026).

As the Board's decisions are final as to the subject matter appealed, it is crucial that OWCP consider and address all evidence received prior to the issuance of its final decision.[7] The Board shall, therefore, remand the case for OWCP to review all relevant evidence submitted by appellant regarding her claim for a recurrence of disability causally related to her accepted employment injury. Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision. Accordingly,

IT IS HEREBY ORDERED THAT the April 30, 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 15, 2026
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board

[7] *Id.*