United States Department of Labor
Employees' Compensation Appeals Board

K.N., Appellant	)	
and	)	**Docket No. 26-0556**
	)	**Issued: September 23, 2026**
U.S. POSTAL SERVICE, SAN ANTONIO PROCESSING & DISTRIBUTION CENTER, San Antonio, TX, 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
PATRICIA H. FITZGERALD, Deputy Chief Judge
JANICE B. ASKIN, Judge

On June 2, 2026 appellant filed a timely appeal from February 27 and March 2, 2026 merit decisions and an April 8, 2026 nonmerit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards docketed the appeal as No. 26-0556.[1]

On May 8, 2023 appellant, then a 53-year-old mail handler, filed an occupational disease claim (Form CA-2) alleging a left shoulder injury due to factors of her federal employment. She noted that she first became aware of her claimed condition and realized its relation to her federal employment on May 6, 2023. Appellant stopped work on May 25, 2023. OWCP accepted the claim for cervicalgia, and complete rotator cuff tear or rupture of the left shoulder. It paid

[1] The Board notes that, following the April 8, 2026 decision, appellant submitted additional evidence to OWCP. However, the Board's *Rules of Procedures* 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.*

appellant wage-loss compensation for disability from work on the supplemental rolls, effective May 25, 2023. On December 20, 2023 she underwent OWCP-authorized left rotator cuff repair.[2]

Appellant returned to work after the December 20, 2023 surgery, and stopped work again on October 11, 2025. She subsequently submitted October 11, 2025 triage notes by Aric Robbins, a registered nurse, and Ryan Chisum, a nurse practitioner. Appellant also submitted October 11, 2025 x-rays of the left shoulder.

On November 24, 2025 OWCP received an October 6, 2025 report wherein Dr. Steve E. Randall, a Board-certified physiatrist, diagnosed cervicalgia, non-traumatic complete tear of the left rotator cuff, and cervical spondylosis. Dr. Randall stated that the injuries, impairments and/or disabilities set forth in his diagnoses arose out of and in the course of appellant's employment, and that employment factors and work duties contributed to, aggravated and/or caused the injuries, disabilities, and impairments set forth in the report.

On November 24, 2025 OWCP also received a November 18, 2025 letter wherein Dr. Randall discussed appellant's physical examination and diagnostic testing findings. Dr. Randall noted that appellant performed lifting/moving tasks and repetitive movements with her hands/upper extremities at work and indicated that such actions can cause or exacerbate carpal tunnel syndrome, ulnar neuropathy, and cervical spondylosis. Therefore, he requested that the accepted conditions of her claim be expanded to include cervical spondylosis, ulnar neuropathy of the right upper extremity, ulnar neuropathy of the left upper extremity, carpal tunnel syndrome of the right wrist, and carpal tunnel syndrome of the left wrist.

OWCP also received a May 16, 2023 narrative report by Dr. Larry T. Olsen, an osteopath and Board-certified orthopedic surgeon; a September 11, 2023 magnetic resonance imaging (MRI) scan of the cervical spine; the first page of a July 29, 2024 narrative report and a work capacity evaluation (Form OWCP-5c) of even date by Dr. Neil Veggeberg, a Board-certified physiatrist; the findings of a September 2, 2025 electromyogram and nerve conduction velocity (EMG/NCV) study of the left upper extremity; and a September 2, 2025 report wherein Dr. Gabriel Pitman, an osteopath and Board-certified neurologist, diagnosed cervicalgia, left ulnar neuropathy at the elbow, and left median neuropathy at the wrist.

Beginning January 14, 2026 appellant filed claims for compensation (Form CA-7) for disability from work commencing October 11, 2025.

In a development letter dated January 26, 2026, OWCP informed appellant of the deficiencies of her expansion claim. It advised her of the type of factual and medical evidence needed and afforded her 30 days to respond. In a separate development letter dated January 26, 2026, OWCP informed appellant of the deficiencies of her disability claim. It advised her of the type of factual and medical evidence needed and afforded her 30 days to respond.

[2] OWCP assigned the present claim OWCP File No. xxxxxx714. Appellant has a previously accepted February 9, 2015 traumatic injury under OWCP File No. xxxxxx560 for a sprain of the left shoulder and upper arm. Under OWCP File No. xxxxxx961, appellant filed a subsequent traumatic injury claim (Form CA-1) alleging an October 11, 2023 left shoulder injury. OWCP has administratively combined OWCP File Nos. xxxxxx560, xxxxxx961, and xxxxxx714, with the latter serving as the master file.

Appellant subsequently submitted a February 12, 2026 report wherein Dr. Thomas E. Smith, a Board-certified family practice physician, diagnosed left shoulder strain; and a February 23, 2026 MRI scan of the left shoulder.

By decision dated February 27, 2026, OWCP denied appellant's expansion claim, finding that the evidence of record was insufficient to establish additional conditions as causally related to, or consequential to, the accepted employment injury. It referenced the November 18, 2025 letter by Dr. Randall, and the January 26, 2026 development letter which afforded appellant 30 days to respond. OWCP stated, "As of this date, we have not received any additional evidence in response to the development letter dated January 26, 2026. We did not receive any additional evidence to support the expansion of your claim to include a consequential injury."

By decision dated March 2, 2026, OWCP denied appellant's disability claim, finding that the evidence of record was insufficient to establish disability from work commencing October 11, 2025 causally related to the accepted employment injury. It indicated that appellant had not submitted any evidence in support of her disability claim, and referenced the January 26, 2026 development letter which afforded appellant 30 days to respond. OWCP stated, "As of this date, we have not received any additional evidence in response to the development letter dated January 26, 2026. You did not submit any evidence in support of your claim for wage loss."

On April 2, 2026 appellant requested an oral hearing before a representative of OWCP's Branch of Hearings and Review regarding the March 2, 2026 denial of appellant's disability claim. By decision dated April 8, 2026, OWCP denied appellant's hearing request as untimely filed.

In the case of *William A. Couch*,[3] the Board held that, when adjudicating a claim, OWCP is obligated to consider all evidence properly submitted by a claimant and received by OWCP before the final decision is issued.[4] As the Board's decisions are final as to the subject matter appealed,[5] it is crucial that all evidence relevant to that subject matter which was properly submitted to OWCP prior to the time of issuance of its final decision be addressed by OWCP.[6]

In the present case, OWCP did not review evidence submitted by appellant, including an October 6, 2025 report by Dr. Randall, October 11, 2025 x-rays, October 11, 2025 triage notes, a September 2, 2025 EMG/NCV study, a September 2, 2025 report by Dr. Pitman, a February 12, 2026 report by Dr. Smith, and a February 23, 2026 MRI scan.[7] The Board, therefore, must set

[3] 41 ECAB 548, 553 (1990); *see also Order Remanding Case*, *S.N.*, Docket No. 26-0302 (issued June 11, 2026); *Order Remanding Case*, *J.R.*, Docket No. 21-1421 (issued April 20, 2022).

[4] *Id.*

[5] 20 C.F.R. § 501.6(d).

[6] *W.S.*, Docket No. 26-0313 (issued June 15, 2026); *T.B.*, Docket No. 19-1841 (issued July 7, 2020); *E.P.*, Docket No. 14-0278 (issued February 26, 2014). *See also William A. Couch*, *supra* note 3.

[7] OWCP's procedures provide that all evidence submitted should be reviewed and discussed in the decision. Evidence received following development that lacks probative value should also be acknowledged. Whenever possible, the evidence should be referenced by author and date. Federal (FECA) Procedure Manual, Part 2 -- Claims, *Initial Denials*, Chapter 2.1401.5b(2) (November 2012).

aside the February 27, 2026 decision denying appellant's expansion claim and the March 2, 2026 decision denying her disability claim and remand the case so that OWCP may fully consider and address the evidence that was properly submitted prior to the issuance of these decisions. Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision. Accordingly,

IT IS HEREBY ORDERED THAT the February 27 and March 2, 2026 decisions of the Office of Workers' Compensation Programs are set aside, and the case is remanded for further proceedings consistent with this order of the Board.[8]

Issued: September 23, 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

[8] In light of the Board's remand of the merit issue, the request for an oral hearing regarding the March 2, 2026 decision is rendered moot.