United States Department of Labor
Employees' Compensation Appeals Board

D.S., Appellant	)	
and	)	**Docket No. 26-0558**
	)	**Issued: September 8, 2026**
U.S. POSTAL SERVICE, BEDFORD PARK POST OFFICE, Bedford Park, IL, Employer	)	

Appearances:
Alan J. Shapiro, Esq., for the appellant[1]
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 June 3, 2026 appellant, through counsel, filed a timely appeal from a May 20, 2026 nonmerit decision of the Office of Workers' Compensation Programs (OWCP).[2] The Clerk of the Appellate Boards docketed the appeal as No. 26-0558.

On July 12, 2024 appellant, then a 51-year-old rural carrier, filed a traumatic injury claim (Form CA-1) alleging that on July 10, 2024 she injured her right shoulder while in the performance of duty. She recounted that she was carrying boxes weighing 15 to 20 pounds onto a porch using

[1] In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; *see also* 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

[2] On May 20, 2026 OWCP issued a letter which effectively denied appellant's request for reconsideration, pursuant to 5 U.S.C. § 8128(a). In considering whether a document constitutes a final decision, it is not the form, but the content and the intention of OWCP that is determinative. *K.K.*, Docket No. 19-0652 (issued September 19, 2019); *see Henry F. Dyer*, Docket No. 05-452 (issued May 13, 2005) (the Board held that a July 22, 2004 letter with no appeal rights attached constituted a final decision). The Board concludes, therefore, that the May 20, 2026 letter was an appealable final adverse decision subject to review under 20 C.F.R. §§ 501.2(c) and 501.3(a). *See B.K.*, Docket No. 23-0126 (issued May 10, 2023); *R.G.*, Docket No. 21-0706 (issued April 17, 2023); *K.W.*, Docket No. 18-0055 (issued March 8, 2019); *L.L.*, Docket No. 18-0117 (issued February 25, 2019).

a bear-hug style hold and felt a snapping sensation in her right arm and shoulder area.[3] Appellant stopped work on July 13, 2024, and returned to full-time modified-duty work with restrictions on August 12, 2024.

In a work note dated July 10, 2024, Dr. Michele Glasgow, a Board-certified orthopedic surgeon and appellant's attending physician for the August 4, 2023 employment injury, released appellant to return to work with restrictions of no lifting over 10 pounds above chest level and no overhead reaching. On July 15, 2024 Dr. Glasgow placed appellant off from work.

In a letter dated July 18, 2024, B.N., the employing establishment postmaster, controverted appellant's claim.

In notes dated July 19 and 26, 2024, Dr. Glasgow released appellant to return to work with no lifting over 10 pounds above chest level and no overhead reaching.

In a development letter dated July 29, 2024, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence required and provided a questionnaire for her completion. OWCP afforded appellant 60 days to submit the necessary evidence.

OWCP subsequently received a statement from appellant, who indicated that as of July 9, 2024 she was under a lifting restriction for the August 4, 2023 employment injury. She further indicated that on July 10, 2024, H.Y., her supervisor, instructed her to deliver packages in excess of her lifting restriction.

In a follow-up letter dated August 26, 2024, OWCP advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish her claim. It noted that she had 60 days from the July 29, 2024 letter to submit the necessary evidence.

In response to OWCP's August 26, 2024 letter, appellant related that she delivered two overweight packages of pet food on July 10, 2024.

In a medical report dated August 29, 2024, Dr. Glasgow noted that on August 4, 2023 a garbage truck struck the driver's side of appellant's postal vehicle. A magnetic resonance imaging (MRI) scan of the right shoulder dated October 13, 2023 demonstrated a tear of the anterior supraspinatus tendon, tendinopathy throughout the rotator cuff, and osteoarthritis changes. Dr. Glasgow noted that appellant related a new injury on July 10, 2024 when she felt something snap in her shoulder while lifting heavy bags at work. Her assessment was persistent right shoulder pain due to a motor vehicle accident (MVA) on August 4, 2023 and a new lifting injury on July 10, 2024 with recurrence of right shoulder pain. Dr. Glasgow administered an injection to the right shoulder.

[3] OWCP assigned the present claim OWCP File No. xxxxxx250. Appellant has a previously accepted August 4, 2023 traumatic injury claim for left breast and posterior lateral right rib contusions under OWCP File No. xxxxxx499. OWCP administratively combined OWCP File Nos. xxxxxx250 and xxxxxx499, with the latter serving as the master file.

In an attending physician's report (Form CA-20) dated August 30, 2024, Dr. Glasgow diagnosed disorder of right rotator cuff and recommended a 10-pound lifting restriction due to the August 4, 2023 MVA.

By decision dated October 4, 2024, OWCP denied appellant's claim, finding that the medical evidence of record was insufficient to establish a medical condition causally related to the accepted July 10, 2024 employment incident.

On September 18, 2025 appellant, through counsel, requested reconsideration. In support thereof, counsel submitted an August 24, 2025 medical report by Dr. Glasgow, who noted that appellant had undergone right rotator cuff repair surgery on March 19, 2025. She opined that the surgery was causally related to and medically necessary to treat the August 4, 2023 MVA injury.

By decision dated October 2, 2025, OWCP denied appellant's request for reconsideration of the merits of her claim, pursuant to 5 U.S.C. § 8128(a).

On November 25, 2025 appellant, through counsel, requested reconsideration. In support thereof, counsel submitted a November 10, 2025 report wherein Dr. Glasgow noted the history of the July 10, 2024 employment incident and indicated that "she appeared to have a new lifting injury dated [July 10, 2024] with recurrence of right shoulder pain."

On February 16, 2026 appellant, through counsel, again requested reconsideration. OWCP subsequently received witness statements by three of appellant's coworkers.

On March 12, 2026 appellant, through counsel, again requested reconsideration.

By decision dated May 20, 2026, OWCP denied appellant's requests for reconsideration of the merits of the claim, pursuant to 5 U.S.C. § 8128(a).

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

In the case of *William A. Couch*,[4] 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 May 20, 2026 decision, OWCP failed to consider evidence including the November 10, 2025 medical report of Dr. Glasgow, which it received prior to May 20, 2026. While it is not required to list every piece of evidence submitted, OWCP failed to follow its procedures by not considering all relevant evidence of record.[5]

[4] 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).

[5] *See Order Remanding Case, R.M.*, Docket No. 26-0063 (issued August 5, 2026); *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) (November 2012).

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. The case shall therefore be remanded for further development. On remand, OWCP shall consider and address all evidence of record. Following this and other such further development as deemed necessary, it shall issue an appropriate decision. Accordingly,

IT IS HEREBY ORDERED THAT the May 20, 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 8, 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