United States Department of Labor
Employees' Compensation Appeals Board

J.S., Appellant	)	
and	)	**Docket No. 26-0583**
	)	**Issued: September 24, 2026**
DEPARTMENT OF THE AIR FORCE, 562nd AIRCRAFT MAINTENANCE SQUADRON, ROBINS AIR FORCE BASE, GA, 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
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On June 9, 2026 appellant filed a timely appeal from an April 22, 2026 merit decision and a May 13, 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 condition causally related to the accepted factors of his federal employment; and (2) whether OWCP properly denied appellant's request for reconsideration of the merits of his claim, pursuant to 5 U.S.C. § 8128(a).

[1] 5 U.S.C. § 8101 *et seq*.

FACTUAL HISTORY

On November 6, 2025 appellant, then a 47-year-old sheet metal mechanic (aircraft), filed an occupational disease claim (Form CA-2) alleging that he sustained swelling and pain in his right hand due to factors of his federal employment, including moving a piece of equipment from the flight deck. He noted that he first became aware of his condition and realized its relationship to his federal employment on May 23, 2022.

Accompanying appellant's claim was a May 23, 2022 x-ray interpretation showing no acute right hand osseous abnormality. Also received was a report dated May 23, 2022 wherein Dr. Marvin E. Taylor, Board-certified in occupational preventive medicine, recounted appellant's history of injury. Dr. Taylor related that physical examination of appellant's right hand exhibited local dorsal swelling and pain on motion. He diagnosed right hand tenosynovitis and other synovitis.

In a May 31, 2022 report, Dr. Hyrum R. Bronson, an osteopath Board-certified in family medicine, noted that appellant was seen for a right hand/wrist injury. An examination of appellant's right hand was normal. Dr. Bronson diagnosed right hand other specified joint disorders.

On December 17, 2025, Dr. Maharsh Patel, a Board-certified orthopedic surgeon, referred appellant for a functional capacity evaluation (FCE) based on the diagnosis of bilateral carpal tunnel syndrome.

In a January 30, 2026 letter, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence needed to establish his claim and provided a questionnaire for his completion. OWCP afforded appellant 60 days to submit the necessary evidence. In a separate development letter of even date, it requested that the employing establishment provide additional information regarding his claim. OWCP afforded the employing establishment 30 days to respond.

OWCP subsequently received additional evidence including October 28 and November 10, 2025 work status notes from Dr. Patel. An October 22, 2015 left wrist x-ray related an impression of negative findings.

Also received was a November 5, 2025 disability note from Dr. Karl Nielson, an osteopath specializing in occupational medicine, who recommended that appellant be excused from work from October 28 through November 3, 2025. Dr. Nielson indicated that the visit was due to a non-occupational illness or injury.

In a follow-up development letter dated April 22, 2026, OWCP advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish his claim. It noted that she had 60 days from the January 30, 2026 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. No additional evidence was received.

By decision dated April 22, 2026, OWCP denied the claim as appellant had not established a medical condition causally related to the accepted employment factors.

On May 12, 2026 appellant requested reconsideration.

On May 13, 2026 OWCP received additional evidence including reports dated June 13, 2022, December 11, 2023, June 13, July 16, 2025, and May 11, 2026, and work status reports dated June 3, 2021, July 31, 2023, July 8, 2024, February 21, 2025, and May 11, 2026 from Dr. Patel diagnosing bilateral carpal tunnel syndrome; reports dated November 2 and 16, 2015 from Dr. Brian Ludwig, a Board-certified orthopedic surgeon, diagnosing left wrist pain and left upper limb carpal tunnel syndrome; reports dated November 4, 2024 and February 21, 2025 from Robert Bowen, a physician assistant, diagnosing bilateral carpal tunnel syndrome; a July 10, 2025 electromyograph (EMG) study; a November 29, 2021 report from Michelle Mayhue, a certified nurse practitioner, diagnosing carpal tunnel syndrome, shoulder pain, and wrist pain; and reports dated December 9 and 13, 2021 from David Bruce, a physician assistant, diagnosing shoulder pain, and right rotator cuff strain.

By decision dated May 13, 2026, OWCP denied appellant's request for reconsideration of the merits of his claim, pursuant to 5 U.S.C. § 8128(a). It noted that he failed to submit any medical evidence with his request.

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, 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 employment injury.[3] 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.[4]

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit: (1) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; (2) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; and (3) medical evidence establishing that the diagnosed condition is causally related to the identified employment factors by the claimant.[5]

[2] *Id.*

[3] *K.A.*, Docket No. 23-0613 (issued April 22, 2024); *J.M.*, Docket No. 17-0284 (issued February 7, 2018); *R.C.,* 59 ECAB 427 (2008); *James E. Chadden, Sr.,* 40 ECAB 312 (1988).

[4] *K.A., id.*; *B.H.,* Docket No. 20-0777 (issued October 21, 2020); *K.M.,* Docket No. 15-1660 (issued September 16, 2016); *L.M.,* Docket No. 13-1402 (issued February 7, 2014); *Delores C. Ellyett,* 41 ECAB 992 (1990).

[5] *K.A., id.*; *S.H.,* Docket No. 22-0391 (issued June 29, 2022); *T.W.,* Docket No. 20-0767 (issued January 13, 2021); *L.D.,* Docket No. 19-1301 (issued January 29, 2020); *S.C.,* Docket No. 18-1242 (issued March 13, 2019).

Causal relationship is a medical question that requires rationalized medical opinion evidence to resolve the issue.[6] The opinion of the physician must be based on a complete factual and medical background, 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 the specific employment factors.[7] Neither the mere fact that a disease or condition manifests itself during a period of employment, nor the belief that the disease or condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.[8]

ANALYSIS -- ISSUE 1

The Board finds that appellant has not met his burden of proof to establish a medical condition causally related to the accepted factors of his federal employment.

In a May 23, 2022 report, Dr. Taylor diagnosed right hand tenosynovitis and other synovitis. In a clinic note dated May 31, 2022, Dr. Bronson noted appellant had been seen for right hand/wrist injury. In a May 31, 2022 report, he diagnosed right hand other specified joint disorders. In a December 17, 2025 report, Dr. Patel diagnosed bilateral carpal tunnel syndrome. Their reports, however, did not contain an opinion regarding the cause of the diagnosed right-hand tenosynovitis, right hand other joint disorders, and bilateral carpal tunnel syndrome. The Board has held that medical evidence that does not offer an opinion regarding the cause of an employee's condition is of no probative value on the issue of causal relationship.[9]

OWCP also received October 28 and November 10, 2025 work status notes from Dr. Patel who noted a negative left wrist x-ray. In these notes he did not, however, provide a specific diagnosis of a medical condition or an opinion on causation. As previously noted, a medical report lacking a firm diagnosis causally related to the accepted employment incident is of no probative value.[10] Therefore, this evidence is insufficient to establish the claim.

Appellant also submitted a November 5, 2025 disability note from Dr. Nielson who recommended appellant be excused from work from October 28 through November 3, 2025 and that the visit was due to a non-occupational illness or injury. As such, he negated causal

[6] *D.S.,* Docket No. 21-1388 (issued May 12, 2022); *I.J.,* Docket No. 19-1343 (issued February 26, 2020); *T.H.,* 59 ECAB 388 (2008); *Robert G. Morris,* 48 ECAB 238 (1996).

[7] *D.S., id.*; *D.J.,* Docket No. 19-1301 (issued January 29, 2020).

[8] *T.M.,* Docket No. 22-0220 (issued July 29, 2022); *S.S.,* Docket No. 18-1488 (issued March 11, 2019); *see also J.L.,* Docket No. 18-1804 (issued April 12, 2019).

[9] *M.J.*, Docket No. 25-0632 (issued August 22, 2025); *G.M.,* Docket No. 24-0388 (issued May 28, 2024); *C.R.,* Docket No. 23-0330 (issued July 28, 2023); *L.B.,* Docket No. 18-0533 (issued August 27, 2018); *D.K.,* Docket No. 17-1549 (issued July 6, 2018).

[10] *J.P.,* Docket No. 20-0381 (issued July 28, 2020); *R.L.,* Docket No. 20-0284 (issued June 30, 2020).

relationship. The Board has held that medical evidence that negates causal relationship is of no probative value.[11] Therefore, this evidence is insufficient to establish the claim.

The remainder of the evidence of record, consisted of diagnostic study reports. However, diagnostic studies, standing alone, lack probative value as they do not address whether the accepted employment factors were causally related to the diagnosed condition.[12] Therefore, these reports are also insufficient to establish the claim.

As the medical evidence of record is insufficient to establish causal relationship between a medical condition and the accepted factors of federal employment, the Board finds that appellant has not met his burden of proof.[13]

LEGAL PRECEDENT -- ISSUE 2

Section 8128(a) of FECA does not entitle a claimant to review of an OWCP decision as a matter of right.[14] OWCP has discretionary authority in this regard and has imposed certain limitations in exercising its authority.[15] One such limitation is that the request for reconsideration must be received by OWCP within one year of the date of the decision for which review is sought.[16] A timely application for reconsideration, including all supporting documents, must set forth arguments and contain evidence that either: (i) shows that OWCP erroneously applied or interpreted a specific point of law; (ii) advances a relevant legal argument not previously considered by OWCP; or (iii) constitutes relevant and pertinent new evidence not previously considered by OWCP.[17] When a timely request for reconsideration does not meet at least one of the above-noted requirements, OWCP will deny the request for reconsideration without reopening the case for a review on the merits.[18]

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[11] *See D.T.,* Docket No. 26-0189 (issued April 1, 2026); *M.H.,* Docket No. 25-0864 (issued January 5, 2026); *F.B.,* Docket No. 22-0679 (issued January 23, 2024); *see also M.J.,* Docket No. 05-577 (issued June 6, 2005).

[12] *D.D.*, Docket No. 25-0751 (issued Augst 27, 2025); *D.L.,* Docket No. 19-1750 (issued March 26, 2020); *R.G.,* Docket No. 19-0233 (issued July 16, 2019); *L.M.,* Docket No. 13-1402 (issued February 7, 2014); *Delores C. Ellyett, supra* note 4.

[13] *E.M.,* Docket No. 25-0572 (issued July 11, 2025); *I.D.*, Docket No. 22-0848 (issued September 2, 2022); *T.G.*, Docket No. 14-751 (issued October 20, 2014).

[14] This section provides in pertinent part: [t]he Secretary of Labor may review an award for or against payment of compensation at any time on [his/her] own motion or on application. 5 U.S.C. § 8128(a).

[15] 20 C.F.R. § 10.607.

[16] *Id.* § 10.607(a). For merit decisions issued on or after August 29, 2011, a request for reconsideration must be received by OWCP within one year of OWCP's decision for which review is sought. Federal (FECA) Procedure Manual, Part 2 -- Claims, *Reconsideration*, Chapter 2.1602.4 (version 1.2, issued May 4, 2026). Timeliness is determined by the document receipt date of the request for reconsideration as indicated by the received date in the Integrated Federal Employees Compensation System (iFECS). *Id.* at Chapter 2.1602.4b.

[17] 20 C.F.R. § 10.606(b)(3).

[18] *Id.* at § 10.608(a), (b).

ANALYSIS -- ISSUE 2

The Board finds that this case is not in posture for decision.

In the case of *William A. Couch*,[19] 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. As noted above, on reconsideration appellant submitted a number of medical reports dated June 13, 2022, December 11, 2023, June 23, July 16, 2025, and May 11, 2026 and work status reports dated June 3, 2021, July 31, 2023, July 8, 2024, February 21, 2025, and May 11, 2026 from Dr. Patel; reports dated November 2 and 16, 2015 from Dr. Ludwig; reports dated November 4, 2024 and February 21, 2025 from Robert Bowen, a physician assistant; a November 29, 2021 report from Michelle Mayhue, a nurse practitioner; and reports dated December 9 and 13, 2021 from David Bruce, a physician assistant. However, the record does not indicate that OWCP reviewed this additional evidence in its May 13, 2026 decision. It specifically stated that appellant had not submitted any medical evidence in support of his request for reconsideration. OWCP, thus, failed to follow its procedures by not considering and addressing all of the relevant evidence of record.[20]

As Board decisions are final with regard to the subject matter appealed, it is crucial that OWCP address all relevant evidence received prior to the issuance of its final decision.[21] This principle applies with regard to evidence received by OWCP the same day a final decision is issued.[22] For this reason, the case shall be remanded to OWCP to consider and address the above-noted evidence submitted with appellant's request for reconsideration.[23] Following this, and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.

CONCLUSION

The Board finds that appellant has not met his burden of proof to establish a diagnosed medical condition in connection with the accepted employment factors. The Board further finds that the case is not in posture for decision with regard to whether OWCP properly denied appellant's request for reconsideration of the merits of her claim, pursuant to 5 U.S.C. § 8128(a).

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[19] 41 ECAB 548 (1990); *see Order Remanding Case, K.B.,* Docket No. 20-1320 (issued February 8, 2021); *see also R.D.,* Docket No. 17-1818 (issued April 3, 2018).

[20] OWCP's procedures provide that all evidence submitted should be reviewed and discussed in the decision. Evidence received following development that lacks probative value also should 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) (version 1.2, issued May 4, 2026).

[21] *E.D.,* Docket No. 20-0620 (issued November 18, 2020); *see C.S.,* Docket No. 18-1760 (issued November 25, 2019); *Yvette N. Davis,* 55 ECAB 475 (2004); *see also William A. Couch, supra* note 19.

[22] *See Order Remanding Case, D.L.,* Docket No. 26-0344 (issued July 1, 2026); *S.B.,* Docket No. 24-0774 (issued September 25, 2024); *Order Remanding Case, R.P.,* Docket No. 23-0536 (issued October 3, 2023); *Linda Johnson,* 45 ECAB 439 (1994) (evidence received the same day as the issuance of an OWCP decision must be reviewed).

[23] *D.S.,* Docket No. 20-0589 (issued November 10, 2020); *see V.C.,* Docket No. 16-0694 (issued August 19, 2016).

ORDER

IT IS HEREBY ORDERED THAT the April 22, 2026 decision of the Office of Workers' Compensation Programs is affirmed. The May 13, 2026 decision is set aside, and the case is remanded for further proceedings consistent with this decision of the Board.

Issued: September 24, 2026
Washington, DC

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

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

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