United States Department of Labor
Employees' Compensation Appeals Board

S.N., Appellant	)	
and	)	**Docket No. 26-0606**
	)	**Issued: September 21, 2026**
U.S. POSTAL SERVICE, PLEASANT RIDGE ANNEX, Greensboro, NC, Employer	)	

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

Case Submitted on the Record

DECISION AND ORDER

Before:
PATRICIA H. FITZGERALD, Deputy Chief Judge
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On June 14, 2026 appellant filed a timely appeal from a January 29, 2026 nonmerit decision of the Office of Workers' Compensation Programs (OWCP). As more than 180 days has elapsed from the last merit decision dated November 25, 2024, to the filing of this appeal, pursuant to the Federal Employees' Compensation Act[1] (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board lacks jurisdiction over the merits of the case.[2]

ISSUE

The issue is whether OWCP properly denied appellant's request for reconsideration, finding that it was untimely filed and failed to demonstrate clear evidence of error.

[1] 5 U.S.C. § 8101 *et seq*.

[2] The Board notes that, following the January 29, 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*.

FACTUAL HISTORY

On September 10, 2024 appellant, then a 43-year-old rural carrier, filed an occupational disease claim (Form CA-2) alleging that she developed osteoarthritis in her right shoulder and left knee due to factors of her federal employment.[3] She indicated that she cased mail and delivered to 600 mailboxes per day for over 17 years, which involved repetitively twisting, reaching, lifting up to 70 pounds, and mounting and dismounting her postal vehicle. Appellant noted that she first became aware of her conditions and realized their relationship to her federal employment on October 12, 2021. She stopped work on October 12, 2021.

In a development letter dated September 13, 2024, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of additional factual and medical evidence needed and provided a questionnaire for completion. OWCP afforded appellant 60 days to submit the necessary evidence. In a separate letter of even date, it requested that the employing establishment provide information regarding her claim, including comments from a knowledgeable supervisor. OWCP afforded the employing establishment 30 days to submit the requested information.

OWCP received a medical report dated August 26, 2024 by Dr. James Patton, a Board-certified neurologist, who noted that appellant related complaints of pain in the right shoulder and wrist and left knee pain with reduced range of motion, weakness, and mild instability, which she attributed to repetitively lifting, carrying, reaching, climbing, walking, and standing at work for the past 17 years. Dr. Patton documented physical examination findings, obtained x-rays, and diagnosed right shoulder and left knee osteoarthritis and right carpal tunnel syndrome (CTS). He opined that appellant's repetitive duties for the last 17 years exerted excessive load forces on her upper and lower extremities, which led to wearing down/degeneration of the involved joints.

OWCP subsequently received appellant's September 18, 2024 response to its development questionnaire; a September 23, 2024 response from the employing establishment; and a job description for rural carrier.

In a follow-up letter dated October 15, 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 September 13, 2024 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.

On October 29, 2024 appellant resubmitted Dr. Patton's August 26, 2024 report.

By decision dated November 25, 2024, OWCP denied appellant's claim finding that the medical evidence of record was insufficient to establish a diagnosed medical condition in connection with the accepted factors of her federal employment. It concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

[3] OWCP assigned the present claim OWCP File No. xxxxxx591. Appellant previously filed a traumatic injury claim (Form CA-1) for neck, shoulder, and back injuries due to an August 30, 2011 motor vehicle accident, which OWCP denied under OWCP File No. xxxxxx076. OWCP has not administratively combined the claims.

OWCP subsequently received a narrative medical report dated April 3, 2025 and work capacity evaluations dated April 3 and May 5, 2025 by Dr. Patton.

On December 4, 2025 appellant requested reconsideration of OWCP's November 25, 2024 decision. In support thereof, she submitted x-ray images and a narrative medical report dated December 4, 2025, wherein Dr. Patton noted that he examined her on August 26, 2024 and had diagnosed osteoarthritis of the right shoulder and left knee and CTS on the right due to her rural carrier duties for 17 years.

By decision dated January 29, 2026, OWCP denied appellant's request for reconsideration of the merits of her claim, finding that it was untimely filed and failed to demonstrate clear evidence of error.

LEGAL PRECEDENT

Pursuant to section 8128(a) of FECA, OWCP has the discretion to reopen a case for further merit review.[4] This discretionary authority, however, is subject to certain restrictions. For instance, a request for reconsideration must be received within one year of the date of OWCP's decision for which review is sought.[5] Timeliness is determined by the document receipt date, *i.e.*, the "received date" in OWCP's iFECS.[6] Imposition of this one-year filing limitation does not constitute an abuse of discretion.[7]

When a request for reconsideration is untimely, OWCP undertakes a limited review to determine whether the request demonstrates clear evidence that OWCP's most recent merit decision was in error.[8] Its procedures provide that it will reopen a claimant's case for merit review, notwithstanding the one-year filing limitation set forth in 20 C.F.R. § 10.607, if the claimant's request for reconsideration demonstrates "clear evidence of error" on the part of OWCP.[9]

To demonstrate clear evidence of error, a claimant must submit evidence relevant to the issue which was decided by OWCP.[10] The evidence must be positive, precise, and explicit and must manifest on its face that OWCP committed an error. Evidence which does not raise a substantial question concerning the correctness of OWCP's decision is insufficient to demonstrate clear evidence of error. It is not enough merely to show that the evidence could be construed so as to produce a contrary conclusion. This entails a limited review by OWCP of how the evidence

[4] *Supra* note 1 at § 8128(a); *L.W.*, Docket No. 18-1475 (issued February 7, 2019); *Y.S.*, Docket No. 08-0440 (issued March 16, 2009).

[5] 20 C.F.R. § 10.607(a).

[6] Federal (FECA) Procedure Manual, Part 2 -- Claims, *Reconsiderations*, Chapter 2.1602.4b (September 2020).

[7] *G.G.*, Docket No. 18-1072 (issued January 7, 2019); *E.R.*, Docket No. 09-0599 (issued June 3, 2009); *Leon D. Faidley, Jr.*, 41 ECAB 104 (1989).

[8] *See* 20 C.F.R. § 10.607(b); *M.H.*, Docket No. 18-0623 (issued October 4, 2018); *Charles J. Prudencio*, 41 ECAB 499 (1990).

[9] *L.C.*, Docket No. 18-1407 (issued February 14, 2019); *M.L.*, Docket No. 09-0956 (issued April 15, 2010). *See also id.* at § 10.607(b); *supra* note 6 at Chapter 2.1602.5 (September 2020).

[10] *S.C.*, Docket No. 18-0126 (issued May 14, 2016); *id.* at Chapter 2.1602.5 (September 2020).

submitted with the reconsideration request bears on the evidence previously of record and whether the new evidence demonstrates clear error on the part of OWCP.

OWCP's procedures note that the term clear evidence of error is intended to represent a difficult standard.[11] The claimant must present evidence which on its face demonstrates that OWCP made an error (for example, proof that a schedule award was miscalculated). Evidence such as a detailed, well-rationalized medical report which, if submitted before the denial was issued, would have created a conflict in medical opinion requiring further development, is not clear evidence of error.[12] The Board makes an independent determination of whether a claimant has demonstrated clear evidence of error on the part of OWCP.[13]

ANALYSIS

The Board finds that OWCP properly determined that appellant's request for reconsideration was untimely filed.

The last merit decision was issued by OWCP on November 25, 2024. As appellant's request for reconsideration was not received by OWCP until December 4, 2025, more than one year after the November 25, 2024 decision, pursuant to 20 C.F.R. § 10.607(a), the request for reconsideration was untimely filed. Consequently, she must demonstrate clear evidence of error by OWCP in denying the claim.[14]

The Board further finds that appellant has demonstrated clear evidence of error on the part of OWCP in its November 25, 2024 decision. The underlying issue is whether appellant has met her burden of proof to establish a diagnosed medical condition in connection with the accepted federal employment factors.

With her request for reconsideration, appellant submitted x-ray images and a narrative medical report dated December 4, 2025, wherein Dr. Patton noted that he had examined her on August 26, 2024 and had diagnosed osteoarthritis of the right shoulder and left knee and CTS on the right due to her rural carrier duties for 17 years. The Board notes that the August 26, 2024 report of Dr. Patton containing medical diagnoses was already of record at the time OWCP issued the November 25, 2024 merit decision.

Thus, the Board finds that appellant has established clear evidence of error in the November 25, 2024 merit decision. As such, OWCP abused its discretion in failing to reopen appellant's claim for further merit review.[15] The Board shall reverse OWCP's January 29, 2026 decision and remand the case for an appropriate decision on the merits of appellant's claim.

[11] *G.G.*, *supra* note 7; *see also* 20 C.F.R. § 10.607(b); *id*. at Chapter 2.1602.5a (September 2020).

[12] *J.S.*, Docket No. 16-1240 (issued December 1, 2016); *id.* at Chapter 2.1602.5(a) (September 2020).

[13] *D.S.*, Docket No. 17-0407 (issued May 24, 2017).

[14] 20 C.F.R. § 10.607(b); *D.Z.,* Docket No. 25-0422 (issued June 26, 2025); *S.C.,* Docket No. 20-1537 (issued April 14, 2021); *R.T.,* Docket No. 19-0604 (issued September 13, 2019); *see Debra McDavid,* 57 ECAB 149 (2005).

[15] *See G.B.,* Docket No. 21-0800 (issued January 11, 2024); *A.B.,* Docket No. 10-1070 (issued March 8, 2011).

CONCLUSION

The Board finds that appellant has demonstrated clear evidence of error in OWCP's November 25, 2024 merit decision and, thus, OWCP improperly denied her request for reconsideration of the merits of her claim.

ORDER

IT IS HEREBY ORDERED THAT the January 29, 2026 decision of the Office of Workers' Compensation Programs is reversed, and the case is remanded for further proceedings consistent with this decision of the Board.

Issued: September 21, 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