United States Department of Labor
Employees' Compensation Appeals Board

J.G., Appellant	)	
and	)	**Docket No. 26-0616**
	)	**Issued: September 21, 2026**
U.S. POSTAL SERVICE, FRANKLIN POST OFFICE, Franklin, NE, 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 12, 2026 appellant filed a timely appeal from a March 11, 2026 merit decision and an April 10, 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 an injury causally related to the accepted January 13, 2025 employment incident; 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 January 17, 2025 appellant, then a 61-year-old auxiliary rural carrier, filed a traumatic injury claim (Form CA-1) alleging that on January 13, 2025 he sustained a neck injury when his postal vehicle slid on an icy road and rolled into a ditch while he was in the performance of duty. He stopped work on the date of the claimed injury.

Appellant submitted a January 13, 2025 report wherein Dion D. Machard, an advanced practice registered nurse (APRN), described the January 13, 2025 vehicular accident and reported physical examination findings. Mr. Machard diagnosed concussion and painful neck. Attached were the findings of a January 13, 2025 computerized tomography (CT) scan of the cervical spine contained an impression of no acute fracture or subluxation, and the findings of a CT scan of the head of even date contained an impression of no acute intracranial abnormality. Also attached were the results of January 13, 2025 laboratory testing.

In a development letter dated January 21, 2025, OWCP notified appellant of the deficiencies of his traumatic injury claim. It advised him of the type of factual and medical evidence needed and afforded him 60 days to respond.

Appellant subsequently submitted a January 30, 2025 attending physician's report (Form CA-20) wherein Mr. Machard diagnosed mild concussion.

Appellant also submitted an unsigned and undated triage nurse report, and an unsigned and undated report of work status (Form CA-3). He also resubmitted documents previously of record.

In a follow-up letter dated February 21, 2025, OWCP advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish his claim. It noted that he had 60 days from the January 21, 2025 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 response was received.

By decision dated March 24, 2025, OWCP accepted the occurrence of the January 13, 2025 employment incident, as alleged. However, it denied appellant's traumatic injury claim, finding that the medical evidence of record was insufficient to establish a medical condition causally related to the January 13, 2025 accepted employment incident.

On August 25, 2025 OWCP received a January 13, 2025 authorization for examination and/or treatment (Form CA-16) wherein Dr. Scott J. Wewel, a Board-certified family medicine physician, on Part B of the Form-attending physician's report, indicated that appellant was involved in a car rollover.[2] Dr. Wewel diagnosed muscle spasm of the neck and mild concussion, and checked a box marked "No" indicating that the conditions found were not caused or aggravated

[2] A properly completed Form CA-16 form authorization may constitute a contract for payment of medical expenses to a medical facility or physician, when properly executed. The form creates a contractual obligation, which does not involve the employee directly, to pay for the cost of the examination or treatment regardless of the action taken on the claim. The period for which treatment is authorized by a Form CA-16 is limited to 60 days from the date of issuance, unless terminated earlier by OWCP. 20 C.F.R. § 10.300(c); *P.R.,* Docket No. 18-0737 (issued November 2, 2018); *N.M.,* Docket No. 17-1655 (issued January 24, 2018); *Tracy P. Spillane,* 54 ECAB 608 (2003).

by the employment activity described. He noted that appellant could perform light work from January 13 through 17, 2025, and could return to regular work on January 20, 2025.

Appellant also submitted copies of photographs of a damaged postal vehicle.

On February 12, 2026 appellant requested reconsideration of his claim and submitted additional medical evidence.

On an August 20, 2025 Form CA-20 Dr. Wewel indicated that appellant was involved in a car rollover and diagnosed muscle spasm of the neck and mild concussion. He opined that the conditions found were not caused or aggravated by the employment activity described.

By decision dated March 11, 2026, OWCP denied modification of its March 24, 2025 decision.

On April 6, 2026 appellant requested reconsideration of his claim and submitted additional medical evidence.

In a March 18, 2026 report, Dr. Wewel advised that he had reviewed the complete medical record and history of injury. He diagnosed mild concussion (traumatic brain injury) and cervical strain. Dr. Wewel indicated that the onset of symptoms occurred in temporal relation to the work-related incident and was consistent with the expected clinical presentation for the diagnoses. He opined that appellant sustained a mild concussion and cervical strain as a direct result of the work-related vehicular accident.

Appellant also resubmitted evidence previously of record.

By decision dated April 10, 2026, OWCP denied appellant's request for reconsideration of the merits of his claim pursuant to 5 U.S.C. § 8128(a). It stated, "We have reviewed your letter dated [April 1, 2026] requesting reconsideration of our decision dated [March 11, 2026]…. Because your letter neither raised substantive legal questions nor included new and relevant evidence, it is insufficient to warrant a review of our prior decision at this time."

LEGAL PRECEDENT -- ISSUE 1

An employee seeking benefits under FECA has the burden of proof to establish the essential elements of his or her claim, including the fact 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 period 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]

[3] *D.M.*, Docket No. 25-0506 (issued June 23, 2025); *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] *R.M.*, Docket No. 26-0127 (issued August 20, 2026); *K.M.*, Docket No. 15-1660 (issued September 16, 2016); *Delores C. Ellyett,* 41 ECAB 992 (1990).

To determine if an employee has sustained a traumatic injury in the performance of duty, OWCP begins with an analysis of whether fact of injury has been established. Fact of injury consists of two components that must be considered in conjunction with one another. The first component is whether the employee actually experienced the employment incident that allegedly occurred at the time and place, and in the manner alleged.[5] The second component is whether the employment incident caused an injury.[6]

The medical evidence required to establish causal relationship between a diagnosed condition and the accepted employment factors is rationalized medical opinion evidence.[7] 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 incident.[8] 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.[9]

ANALYSIS -- ISSUE 1

The Board finds that appellant has not met his burden of proof to establish an injury causally related to the accepted January 13, 2025 employment incident.

In support of his traumatic injury claim, appellant submitted a January 13, 2025 Part B of Form CA-16, attending physician's report, wherein Dr. Wewel diagnosed muscle spasm of the neck and mild concussion following a car rollover. He checked a box marked "No" indicating that the conditions found were not caused or aggravated by the employment activity described. In an August 20, 2025 Form CA-20, Dr. Wewel indicated that appellant was involved in a car rollover, and diagnosed muscle spasm of the neck and mild concussion. He opined that the conditions found were not caused or aggravated by the employment activity described. Thus, the January 13 and August 20, 2025 reports negate causal relationship between the diagnosed conditions and the accepted January 13, 2025 employment incident. The Board has held that medical evidence that negates causal relationship is of no probative value.[10] Therefore, this evidence is insufficient to establish appellant's traumatic injury claim.

Appellant also submitted diagnostic test results from January 2025. However, diagnostic studies, standing alone, lack probative value on the issue of on causal relationship as they do not

[5] *S.D.,* Docket No. 26-0088 (issued February 19, 2026); *B.P.,* Docket No. 16-1549 (issued January 18, 2017); *Elaine Pendleton*, 40 ECAB 1143 (1989).

[6] *M.H.,* Docket No. 18-1737 (issued March 13, 2019); *John J. Carlone*, 41 ECAB 354 (1989).

[7] *S.G.*, Docket No. 26-0127 (issued August 20, 2026); *A.M.*, Docket No. 18-1748 (issued April 24, 2019).

[8] *E.S.,* Docket No. 26-0477 (issued August 24, 2026); *S.S.,* Docket No. 18-1488 (issued March 11, 2019).

[9] *L.W.*, Docket No. 24-0947 (issued January 31, 2025); *T.H.,* Docket No. 18-1736 (issued March 13, 2019).

[10] *See D.S.*, Docket No. 26-0377 (issued July 1, 2026).

address whether the accepted employment factors caused or contributed to the diagnosed condition.[11] Therefore, this evidence is insufficient to establish appellant's traumatic injury claim.

OWCP also received reports from January 13 through 30, 2025 by Mr. Machard, an APRN. However, certain healthcare providers such as physician assistants, nurses, and physical and occupational therapists are not considered physicians as defined under FECA.[12] Consequently, their medical findings and/or opinions will not suffice for purposes of establishing entitlement to FECA benefits.[13] Therefore, this evidence is insufficient to establish appellant's traumatic injury claim.

Appellant also submitted an unsigned and undated triage nurse report, and an unsigned and undated Form CA-3. The Board has held that unsigned reports lack proper identification and cannot be considered probative medical evidence as the author cannot be identified as a physician.[14] Therefore, this evidence is insufficient to establish appellant's traumatic injury claim.

As the medical evidence of record is insufficient to establish a medical condition causally related to the accepted January 13, 2025 employment incident, the Board finds that appellant has not met his burden of proof.

LEGAL PRECEDENT -- ISSUE 2

Section 8128(a) of FECA vests OWCP with discretionary authority to determine whether to review an award for or against compensation. The Secretary of Labor may review an award for or against compensation at any time on his or her own motion or on application.[15]

To require OWCP to reopen a case for merit review pursuant to FECA, the claimant must provide evidence or an argument which: (1) shows that OWCP erroneously applied or interpreted a specific point of law; (2) advances a relevant legal argument not previously considered by OWCP; or (3) constitutes relevant and pertinent new evidence not previously considered by OWCP.[16]

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[11] *V.C.,* Docket No. 26-0380 (issued June 29, 2026); *C.S.,* Docket No. 19-1279 (issued December 30, 2019).

[12] Section 8101(2) provides that physician includes surgeons, podiatrists, dentists, clinical psychologists, optometrists, chiropractors, and osteopathic practitioners within the scope of their practice as defined by State law, 5 U.S.C. § 8101(2); 20 C.F.R. § 10.5(t). *See* Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.805.3a(1) (May 2023); *David P. Sawchuk*, 57 ECAB 316, 320 n.11 (2006) (lay individuals such as physician assistants, nurses, and physical and occupational therapists are not competent to render a medical opinion under FECA); *see also S.P.*, Docket No. 26-0402 (issued August 13, 2026) (registered nurses are not considered physicians as defined under FECA).

[13] *See id.*

[14] *See B.M.,* Docket No. 26-0249 (issued May 26, 2026); *B.S.,* Docket No. 22-0918 (issued August 29, 2022); *C.B.*, Docket No. 09-2027 (issued May 12, 2010); *Merton J. Sills,* 39 ECAB 572, 575 (1988).

[15] 5 U.S.C. § 8128(a); *see J.K.*, Docket No. 26-0293 (issued May 27, 2026); *S.B.,* Docket No. 24-0703 (issued December 13, 2024); *see also V.P.,* Docket No. 17-1287 (issued October 10, 2017); *W.C.,* 59 ECAB 372 (2008).

[16] 20 C.F.R. § 10.606(b)(3); *see B.G.,* Docket No. 26-0170 (issued March 30, 2026); *see also K.L.,* Docket No. 17-1479 (issued December 20, 2017); *C.N.,* Docket No. 08-1569 (issued December 9, 2008).

A request for reconsideration must be received by OWCP within one year of the date of OWCP's decision for which review is sought.[17] If it chooses to grant reconsideration, it reopens and reviews the case on its merits.[18] If the request is timely, but fails to meet at least one of the requirements for reconsideration, OWCP will deny the request for reconsideration without reopening the case for review on the merits.[19] The Board has held that the submission of evidence or argument which repeats or duplicates evidence or argument already in the case record[20] and the submission of evidence or argument which does not address the particular issue involved does not constitute a basis for reopening a case.[21]

ANALYSIS -- ISSUE 2

The Board finds that this case is not in posture regarding whether OWCP properly denied appellant's request for reconsideration of the merits of his claim pursuant to 5 U.S.C. § 8128(a).

On April 6, 2026 appellant filed a timely appeal from OWCP's March 11, 2026 decision denying his traumatic injury claim.

In the case of *William A. Couch*,[22] 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.[23] As the Board's decisions are final as to the subject matter appealed,[24] 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.[25]

[17] 20 C.F.R. § 10.607(a). The one-year period begins on the next day after the date of the original contested decision. Federal (FECA) Procedure Manual, Part 2 -- Claims, *Reconsiderations*, Chapter 2.1602.4 (version 1.0, issued March 16, 2026). Timeliness is determined by the document receipt date of the request for reconsideration as indicated by the date received in the Integrated Federal Employees' Compensation System (iFECS). *Id.* at Chapter 2.1602.4b.

[18] *Id.* at § 10.608(a); *see C.P.,* Docket No. 26-0007 (issued May 27, 2026); *F.V.,* Docket No. 18-0239 (issued May 8, 2020); *M.S.*, 59 ECAB 231 (2007).

[19] *Id.* at § 10.608(b); *see G.B.,* Docket No. 26-0293 (issued May 19, 2026); *T.V.,* Docket No. 19-1504 (issued January 23, 2020); *E.R.*, Docket No. 09-1655 (issued March 18, 2010).

[20] *N.L.,* Docket No. 18-1575 (issued April 3, 2019); *Eugene F. Butler*, 36 ECAB 393, 398 (1984).

[21] *M.K.,* Docket No. 18-1623 (issued April 10, 2019); *Edward Matthew Diekemper*; 31 ECAB 224, 225 (1979).

[22] 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).

[23] *Id.*

[24] 20 C.F.R. § 501.6(d).

[25] *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 22.

In the present case, OWCP did not review the March 18, 2026 report by Dr. Wewel which appellant submitted in support of his reconsideration request.[26] The Board, therefore, must set aside the April 10, 2026 decision of OWCP and remand the case so that OWCP may fully consider and address the evidence that was properly submitted prior to the issuance of this decision. Following this and other such further development as deemed necessary, OWCP shall issue an appropriate decision.

CONCLUSION

The Board finds that appellant has not met his burden of proof to establish an injury causally related to the accepted January 13, 2025 employment incident. The Board further finds that this case is not in posture for decision regarding whether OWCP properly denied appellant's request for reconsideration of the merits of his claim pursuant to 5 U.S.C. § 8128(a).

ORDER

IT IS HEREBY ORDERED THAT the March 11, 2026 decision of the Office of Workers' Compensation Programs is affirmed. The April 10, 2026 decision is set aside, 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

[26] 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) (version 1.0, issued March 16, 2026).