United States Department of Labor
Employees' Compensation Appeals Board

T.P., Appellant	)	
and	)	**Docket No. 26-0617**
	)	**Issued: September 18, 2026**
U.S. POSTAL SERVICE, POST OFFICE, Baker, LA, 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
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On June 16, 2026 appellant filed a timely appeal from an April 21, 2026 nonmerit decision of the Office of Workers' Compensation Programs (OWCP).[1] As more than 180 days has elapsed from OWCP's last merit decision, dated February 19, 2025, to the filing of this appeal, pursuant

[1] Appellant submitted a timely request for oral argument before the Board. 20 C.F.R. § 501.5(b). Pursuant to the Board's *Rules of Procedure*, oral argument may be held in the discretion of the Board. 20 C.F.R. § 501.5(a). In support of her oral argument request, appellant requested that oral argument be granted so that she could discuss how the medical evidence and a grievance filing supported her underlying traumatic injury claim. The Board, in exercising its discretion, denies appellant's request for oral argument because the Board does not have jurisdiction over the merits of this case and, thus, the arguments on appeal can adequately be addressed in a decision based on a review of the case record. Oral argument in this appeal would further delay issuance of a Board decision and not serve a useful purpose. As such, the oral argument request is denied, and this decision is based on the case record as submitted to the Board.

to the Federal Employees' Compensation Act[2] (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board lacks jurisdiction over the merits of this case.[3]

ISSUE

The issue is whether OWCP properly 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.

FACTUAL HISTORY

On December 4, 2024 appellant, then a 31-year-old rural delivery specialist, filed a traumatic injury claim (Form CA-1) alleging that on that date she sustained injuries to her head, eyes, and right leg when she was involved in a vehicular accident while in the performance of duty. She stopped work on December 5, 2024.

In a development letter dated December 9, 2024, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence needed and provided a questionnaire for her completion. OWCP afforded appellant 60 days to respond.

OWCP subsequently received a December 4, 2024 statement wherein appellant further described the accident on that date when a vehicle traveling in the opposite direction struck her vehicle. It also subsequently received a December 4, 2024 duty status report (Form CA-17) wherein Dr. Jimmy Guidry, a physician specializing in family medicine, noted December 4, 2024 as the date of injury; diagnosed neck strain, low back strain, headache, and left eye irritation; and opined that appellant was totally disabled.

Appellant submitted additional CA-17 forms, dated from December 11, 2024 through January 9, 2025, wherein Dr. Guidry provided work restrictions. She also submitted notes and reports, dated from December 4 through 26, 2024, by Amanda Easley, a nurse practitioner; a November 29, 2024 medical history form; the findings of December 5, 2024 x-rays of the lumbar spine and cervical spine; and employing establishment administrative documents, including pay records.

In a follow-up letter dated January 14, 2025, 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 December 9, 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.

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[2] 5 U.S.C. § 8101 *et seq*.

[3] The Board notes that appellant submitted additional evidence on appeal to the Board. 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.*

Appellant submitted additional CA-17 forms by Dr. Guidry, dated from January 23 through February 6, 2025; notes by Ms. Easley, dated from January 9 through 23, 2025; and employing establishment administrative documents. OWCP also received an authorization for examination and/or treatment (Form CA-16) issued by the employing establishment on December 4, 2024. On Part B of the form, an attending physician's report, Dr. Guidry related appellant's history of injury and noted appellant's diagnoses of neck and low back strain, tenderness to the left trapezius, headache, and left eye irritation. He indicated by checkmark "Yes" that the diagnosed conditions were caused or aggravated by the claimed employment incident.

By decision dated February 19, 2025, OWCP denied appellant's traumatic injury claim, finding that the medical evidence of record was insufficient to establish a medical condition causally related to the accepted December 4, 2024 employment incident.

On March 6, 2025 OWCP received a February 20, 2025 Form CA-17 wherein Dr. Guidry listed December 4, 2024 as the date of injury; diagnosed neck strain; and recommended work restrictions, including lifting no more than 15 pounds on a continuous or intermittent basis for two hours per day.

On March 23, 2026 appellant requested reconsideration of OWCP's February 19, 2025 decision.

On April 13, 2026 OWCP received a statement of even date wherein appellant indicated that she was injured in a hit-and-run accident on the job, and that she had attended all appointments required by her doctors.

By decision dated April 21, 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] OWCP's regulations[5] establish a one-year time limitation for requesting reconsideration which begins on the date of the original OWCP merit decision. A right to reconsideration within one year also accompanies any subsequent merit decision on the issues.[6] 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. Timeliness is determined by the document receipt date (*i.e.*, the "received date" in

[4] 5 U.S.C. § 8128(a); *S.R.,* Docket No. 26-0440 (issued July 28, 2026); *B.J.,* Docket No. 24-0430 (issued June 5, 2024); *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] *I.W.,* Docket No. 26-0182 (issued July 16, 2026); *E.R.,* Docket No. 21-0423 (issued June 20, 2023); *J.W.,* Docket No. 18-0703 (issued November 14, 2018); *Robert F. Stone,* 57 ECAB 292 (2005).

OWCP's Integrated Federal Employees' Compensation System (iFECS)).[7] Imposition of this one-year filing limitation does not constitute an abuse of discretion.[8]

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.[9] 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.[10] In this regard, OWCP will limit its focus to a review of how the newly submitted evidence bears on the prior evidence of record.[11]

To demonstrate clear evidence of error, a claimant must submit evidence relevant to the issue which was decided by OWCP.[12] The evidence must be positive, precise, and explicit and must manifest on its face that OWCP committed an error.[13] Evidence which does not raise a substantial question concerning the correctness of OWCP's decision is insufficient to demonstrate clear evidence of error.[14] 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 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.[15]

OWCP's procedures note that the term clear evidence of error is intended to represent a difficult standard.[16] 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.[17] The Board makes an independent

[7] Federal (FECA) Procedure Manual, Part 2 -- Claims, *Reconsiderations*, Chapter 2.1602.4 (March 16, 2026).

[8] *B.B.,* Docket No. 26-0117 (issued March 26, 2026); *G.G.,* Docket No. 18-1074 (issued January 7, 2019). *E.R.,* Docket No. 09-0599 (issued June 3, 2009); *Leon D. Faidley, Jr.,* 41 ECAB 104 (1989).

[9] *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).

[10] *M.D.*, Docket No. 26-0316 (issued July 8, 2026); *M.L.*, Docket No. 09-0956 (issued April 15, 2010). *See also id.* at § 10.607(b); *supra* note 7 at Chapter 2.1602.5 (September 2020).

[11] *S.D.,* Docket No. 23-0626 (issued August 24, 2023); *J.M.,* Docket No. 19-1842 (issued April 23, 2020); *Robert G. Burns,* 57 ECAB 657 (2006).

[12] *L.S.,* Docket No. 26-0270 (issued July 6, 2026); *S.C.,* Docket No. 18-0126 (issued May 14, 2016); *supra* note 7 at Chapter 2.1602.5a (September 2020).

[13] *J.M.,* Docket No. 26-0352 (issued June 24, 2026).

[14] *A.D.,* Docket No. 26-0460 (issued August 26, 2026); *L.J.*, Docket No. 23-0282 (issued May 26, 2023).

[15] *L.J.,* Docket No. 23-0282 (issued May 26, 2023); *C.M.,* Docket No. 19-1211 (issued August 5, 2020).

[16] *See also* 20 C.F.R. § 10.607(b); *supra* note 7 at Chapter 2.1602.5 (March 16, 2026).

[17] *T.B.*, Docket No. 26-0290 (issued May 14, 2026); *see supra* note 7 at Chapter 2.1602.5a (March 16, 2026).

determination of whether a claimant has demonstrated clear evidence of error on the part of OWCP.[18]

ANALYSIS

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

The last merit decision on the underlying issue of this case was issued by OWCP on February 19, 2025. As appellant's request for reconsideration was not received by OWCP until March 23, 2026, more than one year after the February 19, 2025 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.[19]

On reconsideration, appellant submitted a statement wherein she indicated that she was injured in a hit-and-run accident on the job, and that she had attended all appointments required by her doctors. In addition, appellant submitted a February 20, 2025 Form CA-17 wherein Dr. Guidry listed December 4, 2024 as the date of injury, diagnosed neck strain, and recommended work restrictions.

As noted, clear evidence of error is intended to represent a difficult standard.[20] It is not enough to show that evidence could be construed so as to produce a contrary conclusion. Instead, the evidence must raise a substantial question as to the correctness of OWCP's decision.[21] The Board finds that neither the argument nor the evidence submitted on reconsideration raises a substantial question as to the correctness of OWCP's February 19, 2025 decision denying her traumatic injury claim. The Board thus finds that OWCP properly denied appellant's March 23, 2026 request for reconsideration of the merits of her claim as it was untimely filed and failed to demonstrate clear evidence of error.[22]

[18] *F.B.,* Docket No. 26-0233 (issued April 29, 2026); *G.B.,* Docket No. 19-1762 (issued March 10, 2020); *D.S.,* Docket No. 17-0407 (issued May 24, 2017); *George C. Vernon,* 54 ECAB 319 (2003).

[19] 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).

[20] *See supra* note 16.

[21] *See supra* note 14.

[22] The case record contains a Form CA-16. A properly completed Form CA-16 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).

CONCLUSION

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

ORDER

IT IS HEREBY ORDERED THAT the April 21, 2026 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: September 18, 2026
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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