United States Department of Labor
Employees' Compensation Appeals Board

C.R., Appellant	)	
and	)	**Docket No. 26-0623**
	)	**Issued: September 28, 2026**
U.S. POSTAL SERVICE, SANTA ANA PROCESSING & DISTRIBUTION CENTER, Santa Ana, CA, 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 17, 2026 appellant filed a timely appeal from a February 11, 2026 nonmerit decision of the Office of Workers' Compensation Programs (OWCP). As more than 180 days has elapsed from the last merit decision, dated March 13, 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 this case.[2]

ISSUE

The issue is whether OWCP properly denied appellant's request for a review of the written record as untimely filed, pursuant to 5 U.S.C. § 8124(b).

[1] 5 U.S.C. § 8101 *et seq*.

[2] The Board notes that, following the February 11, 2026 decision, appellant submitted additional evidence 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*.

FACTUAL HISTORY

On January 4, 2024 appellant, then a 52-year-old processing clerk, filed an occupational disease claim (Form CA-2) alleging that she developed an elbow condition due to factors of her federal employment following wrist surgery.[3] She explained that she initially experienced pain and numbness in her right wrist and arm, which resulted in surgery, and then later developed problems with her left hand as a result of the wrist issues. Appellant noted that she first became aware of her condition and realized its relationship to her federal employment on July 31, 2015.

By decision dated March 13, 2024, OWCP denied appellant's occupational disease claim, finding that the evidence of record was insufficient to establish the implicated factors of her federal employment. Consequently, it found that the requirements had not been met to establish an injury as defined by FECA.

On January 30, 2026 appellant requested a review of the written record by a representative of OWCP's Branch of Hearings and Review.

By decision dated February 11, 2026, OWCP denied appellant's request for review of the written record, pursuant to 5 U.S.C. § 8124(b). It found that the January 30, 2026 request was not made within 30 days of the March 13, 2024 decision, and, therefore, was untimely filed. OWCP further exercised its discretion and determined that the issue in the case could equally well be addressed through a request for reconsideration before OWCP, along with the submission of new evidence.

LEGAL PRECEDENT

Section 8124(b) of FECA states: "Before review under section 8128(a) of this title, a claimant for compensation not satisfied with a decision of the Secretary ... is entitled, on request made within 30 days after the date of issuance of the decision, to a hearing on his or her claim before a representative of the Secretary." Section 10.615 of OWCP's federal regulations, implementing this section of FECA, provides that a claimant who requests a hearing can choose between two formats, either an oral hearing or a review of the written record by an OWCP hearing representative.[4] As section 8124(b)(1) is unequivocal in setting forth the time limitation for requesting a hearing or a review of the written record, a claimant is not entitled to a hearing or review of the written record as a matter of right unless the request is made within the requisite 30 days.[5] The date of filing for an oral hearing or review of the written record is fixed by

[3] OWCP assigned the present claim OWCP File No. xxxxxx942. Appellant previously filed a traumatic injury claim (Form CA-1) for a July 31, 2015 left wrist injury, which OWCP accepted for left wrist and hand sprain, left carpal tunnel syndrome, left cubital tunnel syndrome, left extensor carpi ulnaris tendinitis, left de Quervain's tenosynovitis, and left medial epicondylitis under OWCP File No. xxxxxx508. She subsequently filed a Form CA-2 on January 6, 2017, which OWCP accepted for bilateral carpal tunnel syndrome in OWCP File No. xxxxxx753. OWCP has administratively combined OWCP File Nos. xxxxxx753 and xxxxxx508, with the latter serving as the master file. It has not combined the present claim with appellant's prior upper extremity claims.

[4] 20 C.F.R. § 10.615.

[5] *S.L.*, Docket No. 26-0368 (issued June 17, 2026); *T.A.*, Docket No. 18-0431 (issued November 7, 2018); *Ella M. Garner*, 36 ECAB 238, 241-42 (1984).

postmark or other carrier's date marking,[6] or the date received in the Employees' Compensation Operations & Management Portal (ECOMP), and before the claimant has requested reconsideration.[7] Although there is no right to a hearing/review of the written record if not requested within the 30-day time period, OWCP may within its discretionary powers grant or deny appellant's request and must exercise its discretion.[8]

ANALYSIS

The Board finds that OWCP properly denied appellant's request for review of the written record as untimely filed, pursuant to 5 U.S.C. § 8124(b).

OWCP's procedures provide that a request for an oral hearing/review of the written record must be made within 30 days of the date of the decision for which a review is sought.[9] Appellant, therefore, had 30 days following OWCP's March 13, 2024 merit decision to request an oral hearing/review of the written record. As she did not request a review of the written record until January 30, 2026, more than 30 days after OWCP's March 13, 2024 decision, it was untimely filed and she was, therefore, not entitled to an oral hearing as a matter of right.[10]

OWCP also has the discretionary power to grant an oral hearing or review of the written record even if the claimant is not entitled to review as a matter of right. The Board finds that OWCP, in its February 11, 2026 decision, properly exercised its discretion by determining that the issue in the case could be equally well addressed through a request for reconsideration before OWCP, along with the submission of additional evidence.

The Board has held that the only limitation on OWCP's authority is reasonableness. An abuse of discretion is generally shown through proof of manifest error, clearly unreasonable exercise of judgment, or actions taken, which are contrary to both logic and probable deduction from established facts.[11] Accordingly, the Board finds that OWCP properly denied appellant's request for an oral hearing, as untimely filed, pursuant to 5 U.S.C. § 8124(b).[12]

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[6] 20 C.F.R. § 10.616(a).

[7] *Id*.; Federal (FECA) Procedure Manual, Part 2 -- Claims*, Hearings and Reviews of the Written Record*, Chapter 2.1601.4a (February 2024); *S.L., supra* note 5; *D.W*., Docket No. 25-0019 (issued November 22, 2024).

[8] *M.F*., Docket No. 21-0878 (issued January 6, 2022); *W.H*., Docket No. 20-0562 (issued August 6, 2020); *P.C*., Docket No. 19-1003 (issued December 4, 2019); *Eddie Franklin*, 51 ECAB 223 (1999); *Delmont L. Thompson*, 51 ECAB 155 (1999).

[9] *S.L*., *supra* note 5; *J.P*., Docket No. 25-0860 (issued January 5, 2026); *J.C. (S.C.)*, Docket No. 24-0576 (issued August 28, 2024).

[10] *J.P*., *id*.; *see W.N*., Docket No. 20-1315 (issued July 6, 2021); *see also G.S*., Docket No. 18-0388 (issued July 19, 2018).

[11] *See S.I*., Docket No. 22-0538 (issued October 3, 2022); *T.G*., Docket No. 19-0904 (issued November 25, 2019); *Daniel J. Perea*, 42 ECAB 214 (1990) (Thomas, Alternate Member, dissenting). *See also, P.G*., Docket No. 24-0447 (issued August 12, 2024); *D.S*., Docket No. 21-1296 (issued March 23, 2022).

[12] Upon return of the case record, OWCP may consider combining the present claim, OWCP File No. xxxxxx942, with Master File No. xxxxxx508.

CONCLUSION

The Board finds that OWCP properly denied appellant's request for review of the written record as untimely filed, pursuant to 5 U.S.C. § 8124(b).

ORDER

IT IS HEREBY ORDERED THAT the February 11, 2026 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: September 28, 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