United States Department of Labor
Employees' Compensation Appeals Board

P.D., Appellant	)	
	)	**Docket No. 26-0651**
and	)	**Issued: September 30, 2026**
	)	
DEPARTMENT OF DEFENSE, DEFENSE CONTRACT AUDIT AGENCY, Indianapolis, IN, 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 July 2, 2026 appellant filed a timely appeal from a June 26, 2026 merit 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.

ISSUE

The issue is whether OWCP properly suspended appellant's wage-loss compensation and medical benefits, effective March 31, 2026, pursuant to 5 U.S.C. § 8123(d), due to his failure to attend a scheduled medical examination.

[1] 5 U.S.C. § 8101 *et seq.*

FACTUAL HISTORY

On January 17, 2024 appellant, then a 36-year-old auditor, filed an occupational disease claim (Form CA-2) alleging that he developed an emotional/stress-related condition due to factors of his federal employment. He noted that he first became aware of his condition on January 1, 2000, and realized its relation to his federal employment on September 14, 2020. Appellant stopped work on October 6, 2023.

By decisions dated June 5, 2024 and March 26, 2025, OWCP denied appellant's claim for a work-related emotional/stress-related condition, finding that he had not established a compensable employment factor. It concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

On April 24, 2025, appellant requested a review of the written record by a representative of OWCP's Branch of Hearings and Review and submitted additional evidence.

By decision dated November 13, 2025, OWCP's hearing representative set aside the March 26, 2025 decision, finding that appellant had established a compensable employment factor in the form of having difficulty with meeting deadlines. The hearing representative remanded the case for OWCP to prepare a statement of accepted facts clearly describing the compensable work factor and to further develop the medical evidence to determine whether the accepted compensable employment factor had caused or aggravated the claimed emotional/ stress-related condition.

In a December 30, 2025 letter, OWCP advised appellant that it was in the process of scheduling him for a second opinion medical evaluation as the medical evidence of record was insufficient to establish his claim.

In a statement dated January 6, 2026, appellant contended that the need for a second opinion examination should not only be based on the accepted compensable employment factor, but also on events/claims involving the employing establishment's failure to provide reasonable accommodations and issuance of in-person mandates. He maintained that his previous submission of a statement from A.P., his former supervisor, supported that management acted unreasonably in handling these administrative matters, which thus, constituted compensable employment factors. Appellant also maintained that he had already submitted sufficient medical evidence to establish causal relationship between the claimed compensable employment factors and the worsening of his emotional/stress-related condition.

In a January 8, 2026 letter, OWCP's medical scheduling service notified appellant that it had scheduled a February 6, 2026 second opinion examination for him with Dr. Sean X. Luo, a Board-certified psychiatrist, to determine whether he sustained an emotional/stress-related condition causally related to the accepted compensable employment factor. It explained that his entitlement to wage-loss compensation and medical benefits would be suspended for failure to report to or for obstruction of the examination, pursuant to 5 U.S.C. § 8123(d). The letter also contained the date, time, and location of appellant's appointment which was mailed to his last known address of record.

OWCP subsequently received medical evidence.

In a letter dated March 2, 2026, OWCP's medical scheduling service notified OWCP that appellant failed to attend the February 6, 2026 appointment with Dr. Luo.

In a notice of proposed suspension dated March 3, 2026, OWCP proposed to suspend appellant's wage-loss compensation and medical benefits due to his failure to appear for the February 6, 2026 appointment with Dr. Luo. It advised that if good cause was not established, his compensation benefits would be suspended, pursuant to 5 U.S.C. § 8123(d), until he attended and fully cooperated with the examination. OWCP instructed appellant to contact it immediately if he intended to report to a rescheduled examination with Dr. Luo. It afforded appellant 14 days to respond.

On March 4, 2026, OWCP received a March 3, 2026 letter, wherein appellant contended that the scheduled examination was not "reasonably required" based on this letter, his January 6, 2026 statement, and previously submitted medical evidence, pursuant to 5 U.S.C. § 8123(d).[2] He further contended that contrary to OWCP's notice of proposed suspension, he had not received any benefits or compensation. Appellant also contended that his medical provider was not afforded the opportunity to submit any necessary additional evidence or to question the medical evidence provided. Lastly, he contended that he had submitted sufficient evidence to establish that the employing establishment acted unreasonably and committed error and abuse in the handling of the administrative matter related to his reasonable accommodation requests.

By decision dated March 31, 2026, OWCP suspended appellant's wage-loss compensation and medical benefits, effective that date, pursuant to 5 U.S.C. § 8123(d), due to his failure, without good cause, to attend the February 6, 2026 medical examination.

On April 7, 2026 appellant requested a review of the written record by a representative of OWCP's Branch of Hearings and Review.

Appellant resubmitted a copy of his March 3, 2026 letter.

By decision dated June 26, 2026, OWCP's hearing representative affirmed the March 31, 2026 decision.

LEGAL PRECEDENT

Section 8123(d) of FECA authorizes OWCP to require an employee, who claims disability as a result of federal employment, to undergo a physical examination as it deems necessary.[3] The determination of the need for an examination, the type of examination, the choice of locale, and the choice of medical examiners are matters within the province and

[2] The Board notes that it appears that appellant inadvertently cited 5 U.S.C. § 8123(a) rather than 5 U.S.C. § 8123(d) in his March 3, 2026 letter.

[3] 5 U.S.C. § 8123(d).

discretion of OWCP.[4] OWCP's regulations provide that a claimant must submit to an examination by a qualified physician as often and at such times and places as OWCP considers reasonably necessary.[5] Section 8123(d) of FECA and OWCP regulations provide that, if an employee refuses to submit to or obstructs a directed medical examination, his or her right to compensation is suspended until the refusal or obstruction ceases.[6] OWCP's procedures provide that, before OWCP may invoke these provisions, the employee is to be provided a period of 14 days within which to present in writing his or her reasons for the refusal or obstruction.[7] If good cause for the refusal or obstruction is not established, entitlement to compensation is suspended in accordance with section 8123(d) of FECA until the date on which the claimant agrees to attend the examination.[8]

ANALYSIS

The Board finds that OWCP properly suspended appellant's wage-loss compensation and medical benefits, effective March 31, 2026, pursuant to 5 U.S.C. § 8123(d), due to his failure to attend a scheduled medical examination.

In a December 30, 2025 letter, OWCP advised appellant that it was in the process of scheduling him for a second opinion medical evaluation. In a January 8, 2026 letter, OWCP's medical scheduling service notified appellant that he was being referred for a second opinion medical examination on February 6, 2026 with Dr. Luo. The letter informed him of his obligations to attend and cooperate with the examination and explained that his right to wage-loss compensation and medical benefits would be suspended, pursuant to 5 U.S.C. § 8123(d), for failure to report to or for obstruction of the examination. The letter also contained the date, time, and location of appellant's appointment. Appellant did not appear for the scheduled February 6, 2026 appointment, nor did he attempt to reschedule the appointment prior to the designated time.

In a notice of proposed suspension dated March 3, 2026, OWCP provided appellant 14 days to present, in writing, good cause for his failure to attend the scheduled medical appointment. In his January 6, 2026 statement and March 3, 2026 letter, appellant contended that a second opinion medical examination was not "reasonably required" pursuant to 5 U.S.C. § 8123(d) as he had submitted medical evidence which established his claim. In the alternative, appellant argued that he did not have to attend a second opinion evaluation as OWCP had not yet accepted his claim.

---

[4] *See D.E.,* Docket No. 25-0193 (issued February 6, 2025); *A.P.,* Docket No. 22-0709 (issued November 25, 2024); *T.A.,* Docket No. 21-0528 (issued December 14, 2021); *L.B.,* Docket No. 17-1891 (issued December 11, 2018); *J.T.,* 59 ECAB 293 (2008).

[5] 20 C.F.R. § 10.320. *See also D.E., id.*; *B.C.,* Docket No. 21-1327 (issued January 31, 2023); *K.B*., Docket No. 18-1593 (issued April 16, 2019).

[6] *See* 5 U.S.C. § 8123. *Id.* at § 10.323; *A.P.,* Docket No. 19-0328 (issued August 6, 2019); *D.K.,* Docket No. 18-0217 (issued June 27, 2018).

[7] Federal (FECA) Procedure Manual, Part 2 -- Claims, *Developing and Evaluating Medical Evidence*, Chapter 2.810.13d (version1.2, issued May 4, 2026).

[8] *Id.* at Chapter 2.810.13e.

As noted above, OWCP's regulations provide that a claimant must submit to an examination by a qualified physician as often and at such times and places as OWCP considers reasonably necessary.[9] OWCP reasonably required a second opinion examination in further development of the medical evidence.[10]

Appellant further contended that his medical provider was not afforded an opportunity to submit any necessary additional evidence or question the medical evidence provided. Appellant's contentions, however, do not constitute good cause for failing to appear for the examination or show that OWCP abused its discretion by directing a second opinion examination.

For these reasons, the Board finds that appellant has not established good cause for failing to appear for the February 6, 2026 examination.[11] As such, OWCP properly suspended his wage-loss compensation and medical benefits, effective March 31, 2026, pursuant to 5 U.S.C. § 8123(d).

Appellant may submit new evidence or argument with a written request for reconsideration to OWCP within one year of this merit decision, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. §§ 10.605 through 10.607.

CONCLUSION

The Board finds that OWCP properly suspended appellant's wage-loss compensation and medical benefits, effective March 31, 2026, pursuant to 5 U.S.C. § 8123(d), due to his failure to attend a scheduled medical examination.

[9] *See supra* note 5.

[10] *B.C., supra* note 5.

[11] *P.L.,* Docket No. 26-0048 (issued May 20, 2026); *B.C., supra* note 5; *D.P.,* Docket No. 23-0785 (issued December 20, 2023); *J.P.,* Docket No. 22-0403 (issued October 10, 2023).

ORDER

IT IS HEREBY ORDERED THAT the June 26, 2026 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: September 30, 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