

disability from work for the period September 16 through 23, 2023 causally related to his accepted May 11, 2023 employment injury; (3) whether OWCP properly denied appellant's request for reconsideration of the merits of his expansion claim and claim for disability from work for the period September 16 through 23, 2023, pursuant to 5 U.S.C. § 8128(a); and (4) whether OWCP properly denied appellant's request for reconsideration of the merits of his claim for disability from work for the period June 26 through 30, 2023, pursuant to 5 U.S.C. § 8128(a).

FACTUAL HISTORY

On May 12, 2023 appellant, then a 46-year-old letter carrier, filed a traumatic injury claim (Form CA-1) alleging that on May 11, 2023 he injured his right ankle while in the performance of duty. He noted that he stepped off a large front porch stoop and his right foot landed in a space between the sidewalk and grass and rolled, causing him to fall and scrape his left knee. Appellant stopped work on the date of injury and returned to full-duty work without restrictions on July 1, 2023.

A May 12, 2023 x-ray of the right ankle revealed a possibly remote avulsion fracture and mild spurring at the calcaneal attachment of the Achilles tendon.

In a report and visit summary dated May 12, 2023, Annie R. White, a registered nurse, noted the history of the claimed May 11, 2023 employment injury, documented examination findings, and diagnosed a closed avulsion fracture of the right ankle. She applied an air cast for appellant to use while up and about.

In notes dated May 17 and June 9, 2023, Lauren E. Roth, a physician assistant, took appellant off from work due to a right ankle sprain.

In an attending physician's report (Form CA-20) dated June 16, 2023, Ms. Roth diagnosed a sprained right ankle due to the May 11, 2023 employment incident and indicated that appellant would be totally disabled from May 17 through June 30, 2023.

In a report dated June 19, 2023, Dr. William M. Noorlag, a podiatrist, noted the history of the employment injury and appellant's complaints. He performed a physical examination, which revealed mild swelling around the right ankle, pain on palpation of the anterior talofibular ligament (ATFL), and mild guarding and splinting on dorsiflexion, plantarflexion, and eversion of the right ankle. Dr. Noorlag obtained x-rays, which revealed a likely old small chip off of the tip of the fibular malleolus. He diagnosed sprain of the right ATFL.

On June 27, 2023 OWCP accepted appellant's claim for sprain of the right ATFL.

In a work status report dated June 30, 2023, Ms. Roth released appellant to return to work "to only do his route" for the next four weeks.

On July 6, 2023 appellant filed a claim for compensation (Form CA-7) for disability from work for the period June 26 through 30, 2023.

In a development letter dated July 10, 2023, OWCP informed appellant of the deficiencies of his claim for compensation. It advised him of the type of factual and medical evidence needed to establish his claim and afforded him 30 days to submit the necessary evidence.

In a Form CA-20 signed on July 28, 2023, Dr. Jeffrey A. Senall, a Board-certified orthopedic surgeon, diagnosed a sprain of the right ankle and small avulsion fracture and checked a box marked “Yes” indicating that the conditions were caused or aggravated by an employment activity. He found that appellant was totally disabled from May 17 through June 30, 2023 and partially disabled from July 1 through August 4, 2023, noting that appellant was able to “only do his route” for four weeks.

By decision dated September 22, 2023, OWCP denied appellant’s claim for compensation, finding that the medical evidence was insufficient to establish disability from work for the period June 26 through 30, 2023 due to the accepted May 11, 2023 employment injury.

OWCP continued to receive evidence.

A report of magnetic resonance imaging (MRI) of the lumbar spine dated September 1, 2023, revealed disc bulging to the left at L3-L4 and L4-L5, facet arthrosis, and grade 1 anterolisthesis at L5-S1 with post-surgical changes.

In work notes dated September 14 and 25, 2023, John Paul Dehler, a physician assistant, indicated that appellant was unable to work due to low back pain.

In a report dated September 28, 2023, Dr. Vinita Mathew, a Board-certified physiatrist, noted that appellant related an onset of back pain when he woke up approximately three weeks prior. She indicated that she had treated appellant in 2022 for intercostal pain, and that he had a history of an L5-S1 lumbar fusion in 2006 and back pain in August 2023 that resolved with steroids. Dr. Mathew also noted the history of the May 11, 2023 employment injury and that appellant wore an ankle brace for about six weeks. In a review of systems, she indicated that he denied weakness, paresthesia or gait imbalance. Dr. Mathew performed a physical examination, which revealed a normal gait, tenderness to palpation in the right and left sacroiliac (SI) joints, limited lumbar range of motion due to pain, and positive provocative maneuvers for SI joint pain. She reviewed the September 1, 2023 MRI scan and noted that it failed to correspond with appellant’s pain. Dr. Mathew diagnosed bilateral sacroiliitis, right hip pain, and status-post lumbar fusion. She opined that her evaluation indicated that appellant’s pain was “probably radiating from the sacroiliac joint,” and that it was “probably related to walking with a painful right ankle and brace for almost 2 months.” Dr. Mathew submitted progress reports on November 20 and December 22, 2023. On November 20, 2023 she noted that appellant’s MRI scan was benign and that the evaluation revealed his pain resulted from sacroiliitis.

Appellant underwent physical therapy to his low back from October 6 through November 13, 2023.

In work status reports dated October 17, 2023 through February 19, 2024, Dr. Mathew diagnosed right-sided sciatica, piriformis syndrome of right side, bilateral sacroiliitis, and status-post lumbar fusion. During that time, appellant underwent a series of injections to the right piriformis and bilateral SI joints and had periods of disability while receiving those treatments. As

of February 19, 2024, Dr. Mathew noted that he was able to return to light-duty work and recommended an additional right-sided piriformis injection.

On March 25, 2024 appellant filed a Form CA-7 for disability from work from September 16 through 22, 2023.

On April 2, 2024 OWCP referred the case record and a statement of accepted facts (SOAF) to Dr. Nathan Hammel, a Board-certified orthopedic surgeon, serving as OWCP's district medical adviser (DMA).

In an April 11, 2024 report, Dr. Hammel reviewed the SOAF and medical record. He opined that the accepted right ankle condition was incapable of causing an injury to the SI joints, and that appellant's claimed period of disability from September 16 through 22, 2023 was unrelated to the accepted May 11, 2023 employment injury. Dr. Hammel explained that the SI joints were among the most stable joint complexes in the body, would require high energy trauma or autoimmune conditions to produce symptoms, and that a short period of walking with an abnormal gait would not cause pathologic changes in adjacent or contralateral joints. He also noted that appellant had returned to work following the accepted right ankle injury, and that there was no objective evidence to establish causal relationship between the claimed period of disability from September 16 through 22, 2023 and the accepted May 11, 2023 employment injury.

By decision dated May 8, 2024, OWCP denied expansion of the acceptance of appellant's claim to include bilateral sacroiliitis as causally related or consequential to the accepted May 11, 2023 employment injury. It further denied his claim for wage-loss compensation due to disability from work for the period September 16 through 23, 2023.

OWCP continued to receive evidence, including a May 14, 2024 narrative report by Dr. Mathew, who described her treatment of appellant since September 28, 2023 for right SI joint pain radiating to the right groin. She opined that his "back pain was a result of the initial work injury." Dr. Mathew explained that "the SI joint connects the leg to the pelvis and the pelvis to the spine" and that gait abnormalities "can make the joint unstable and painful."

On August 23, 2024 appellant requested reconsideration of OWCP's May 8, 2024 decision.

By decision dated August 27, 2024, OWCP denied modification of its May 8, 2024 decision.

On August 28, 2024 appellant requested reconsideration of OWCP's August 27, 2024 decision.

On September 23, 2024 appellant requested reconsideration of OWCP's September 22, 2023 decision denying appellant's disability claim for the period June 26 through 30, 2023. He resubmitted the June 16, 2023 Form CA-20 from Ms. Roth and the July 28, 2023 Form CA-20 from Dr. Senall.

By decision dated September 25, 2024, OWCP denied appellant's request for reconsideration of the merits of his request to expand the acceptance of his claim and his claim for disability from work for the period September 16 through 22, 2023, pursuant to 5 U.S.C. § 8128(a).

By separate decision also dated September 25, 2024, OWCP denied appellant's request for reconsideration of the merits of his claim for disability from work for the period June 26 through 30, 2023, pursuant to 5 U.S.C. § 8128(a).

LEGAL PRECEDENT -- ISSUE 1

When an employee claims that a condition not accepted or approved by OWCP was due to an employment injury, he or she bears the burden of proof to establish that the condition is causally related to the employment injury.³ When an injury arises in the course of employment, every natural consequence that flows from that injury likewise arises out of the employment, unless it is the result of an independent intervening cause attributable to the claimant's own intentional misconduct.⁴ Thus, a subsequent injury, be it an aggravation of the original injury or a new and distinct injury, is compensable if it is the direct and natural result of a compensable primary injury.⁵

To establish causal relationship between a specific condition, as well as any attendant disability claimed, and the employment injury, an employee must submit rationalized medical evidence.⁶ The opinion of the physician must be based on a complete factual and medical background of the claimant, 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 factors identified by the claimant.⁷

In any case where a preexisting condition involving the same part of the body is present and the issue of causal relationship, therefore, involves aggravation, acceleration or precipitation, the physician must provide a rationalized medical opinion that differentiates between the effects of the work-related injury or disease and the preexisting condition.⁸

³ *M.M.*, Docket No. 19-0951 (issued October 24, 2019); *Jaja K. Asaramo*, 55 ECAB 200, 204 (2004).

⁴ *See J.M.*, Docket No. 19-1926 (issued March 19, 2021); *I.S.*, Docket No. 19-1461 (issued April 30, 2020); *see also Charles W. Downey*, 54 ECAB 421 (2003).

⁵ *J.M.*, *id.*; *Susanne W. Underwood (Randall L. Underwood)*, 53 ECAB 139, 141 n.7 (2001).

⁶ *See V.A.*, Docket No. 21-1023 (issued March 6, 2023); *M.W.*, 57 ECAB 710 (2006); *John D. Jackson*, 55 ECAB 465 (2004).

⁷ *E.P.*, Docket No. 20-0272 (issued December 19, 2022); *I.J.*, 59 ECAB 408 (2008).

⁸ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.805.3e (May 2023); *M.B.*, Docket No. 20-1275 (issued January 29, 2021); *see R.D.*, Docket No. 18-1551 (issued March 1, 2019).

ANALYSIS -- ISSUE 1

The Board finds that appellant has not met his burden of proof to expand the acceptance of his claim to include bilateral sacroiliitis as causally related to or consequential to his accepted May 11, 2023 employment injury.

In support of his expansion claim, appellant submitted a May 14, 2024 narrative report by Dr. Mathew, who opined that appellant's "back pain was a result of the initial work injury." She explained that "the SI joint connects the leg to the pelvis and the pelvis to the spine and that gait abnormalities can make the joint unstable and painful." Dr. Mathew, however, did not explain with sufficient rationale how the accepted May 11, 2023 employment injury caused an injury to appellant's SI joints.⁹ A medical report is of limited probative value on the issue of causal relationship if it contains an opinion regarding causal relationship which is unsupported by medical rationale.¹⁰ Medical rationale is particularly necessary where, as here, there are preexisting conditions involving some of the same body parts.¹¹ For these reasons, Dr. Mathew's May 14, 2024 report is insufficient to establish expansion of the claim.¹²

In a report dated September 28, 2023, Dr. Mathew diagnosed bilateral sacroiliitis, right hip pain, status-post lumbar fusion and opined that her evaluation indicated that his pain was "probably radiating from the sacroiliac joint," and that it was "probably related to walking with a painful right ankle and brace for almost 2 months." She also submitted progress reports on November 20 and December 22, 2023. The Board has held, however, that medical opinions that are speculative or equivocal are of diminished probative value.¹³ Therefore, this evidence is also insufficient to establish expansion of the acceptance of the claim.

Appellant also submitted notes by a registered nurse, physical therapy records, and notes by a physician assistant. The Board has held that certain healthcare providers such as nurses, physician assistants, and physical therapists are not considered physicians as defined under FECA

⁹ See *C.B., (S.B)*, Docket No. 19-1629 (issued April 7, 2020); *V.T.*, Docket No. 18-0881 (issued November 19, 2018); *S.E.*, Docket No. 08-2214 (issued May 6, 2009); *T.M.*, Docket No. 08-0975 (issued February 6, 2009).

¹⁰ *J.H.*, Docket No. 24-0415 (issued May 23, 2024); *C.C.*, Docket No. 15-1056 (issued April 4, 2016); see *T.M.*, Docket No. 08-975 (issued February 6, 2009); *Roma A. Mortenson-Kindschi*, 57 ECAB 418 (2006); *William C. Thomas*, 45 ECAB 591 (1994).

¹¹ *R.W.*, Docket No. 19-0844 (issued May 29, 2020); *A.M.*, Docket No. 19-1138 (issued February 18, 2020); *A.J.*, Docket No. 18-1116 (issued January 23, 2019).

¹² *B.W.*, Docket No. 21-0536 (issued March 6, 2023); *M.M.*, Docket No. 20-1557 (issued November 3, 2021).

¹³ See *L.B.*, Docket No. 23-0099 (issued July 26, 2023); *C.C.*, Docket No. 22-0609 (issued October 25, 2022); *H.A.*, Docket No. 18-1455 (issued August 23, 2019); *Ricky S. Storms*, 52 ECAB 349 (2001) (while the opinion of a physician supporting causal relationship need not be one of absolute medical certainty, the opinion must not be speculative or equivocal. The opinion should be expressed in terms of a reasonable degree of medical certainty).

and, therefore, are not competent to provide a medical opinion. Therefore, this evidence is of no probative value and is insufficient to establish appellant's expansion claim.¹⁴

OWCP also received a September 1, 2023 lumbar MRI scan report. The Board, however, has held that reports of diagnostic tests, standing alone, lack probative value as they do not provide an opinion as to whether the accepted employment factors caused the diagnosed condition.¹⁵ Thus, this evidence is insufficient to establish appellant's expansion claim.

In his April 1, 2024 report, Dr. Hammel, the DMA, opined that there was insufficient evidence to support a causal relationship between appellant's sacroiliitis condition and his accepted right ankle injury. He explained that the SI joints are amongst the most stable joint complexes in the body and would require high energy trauma or autoimmune conditions to produce symptoms. Dr. Hammel also noted that a short period of walking with an abnormal gait would not cause pathologic changes in adjacent or contralateral joints. The Board has reviewed the opinion of Dr. Hammel and finds that it has reliability, probative value and convincing quality with respect to its conclusions regarding the relevant issue. Accordingly, the Board finds that the weight of the medical evidence is represented by Dr. Hammel's opinion regarding causation with respect to appellant's expansion claim.

As the medical evidence of record is insufficient to establish expansion of the acceptance of the claim to include bilateral sacroiliitis as causally related or consequential to appellant's accepted employment injury, the Board finds that he has not met his burden of proof.

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.

LEGAL PRECEDENT -- ISSUE 2

An employee seeking benefits under FECA has the burden of proof to establish the essential elements of his or her claim including that any disability or specific condition for which compensation is claimed is causally related to the employment injury.¹⁶ Under FECA, the term "disability" means the incapacity, because of an employment injury, to earn the wages that the

¹⁴ Section 8101(2) of FECA 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 therapists are not competent to render a medical opinion under FECA). See also *M.C.*, Docket No. 24-0901 (issued October 22, 2024) (physician assistants are not considered physicians as defined by FECA); *K.D.*, Docket No. 22-0756 (issued November 2022) (a physical therapist is not considered a physician under FECA).

¹⁵ *W.T.*, Docket No. 23-0323 (issued August 15, 2023); *V.Y.*, Docket No. 18-0610 (issued March 6, 2020); *G.S.*, Docket No. 18-1696 (issued March 26, 2019); *A.B.*, Docket No. 17-0301 (issued May 19, 2017).

¹⁶ *S.F.*, Docket No. 20-0347 (issued March 31, 2023); *S.W.*, Docket No. 18-1529 (issued April 19, 2019); *J.F.*, Docket No. 09-1061 (issued November 17, 2009); *Kathryn Haggerty*, 45 ECAB 383 (1994); *Elaine Pendleton*, 40 ECAB 1143 (1989).

employee was receiving at the time of injury.¹⁷ Disability is, thus, not synonymous with physical impairment, which may or may not result in an incapacity to earn wages.¹⁸ An employee who has a physical impairment causally related to a federal employment injury, but who nevertheless has the capacity to earn the wages he or she was receiving at the time of injury, has no disability as that term is used in FECA.¹⁹ When, however, the medical evidence establishes that the residuals or sequelae of an employment injury are such that, from a medical standpoint, they prevent the employee from continuing in his or her employment, he or she is entitled to compensation for loss of wages.²⁰

The medical evidence required to establish causal relationship between a claimed period of disability and an employment injury is rationalized medical opinion evidence. The opinion of the physician must be based on a complete factual and medical background of the claimant, must be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the claimed disability and the accepted employment injury.²¹

The Board will not require OWCP to pay compensation for disability in the absence of medical evidence directly addressing the specific dates of disability for which compensation is claimed. To do so would essentially allow an employee to self-certify his or her disability and entitlement to compensation.²²

ANALYSIS -- ISSUE 2

The Board finds that appellant has not met his burden of proof to establish disability from work for the period September 16 through 23, 2023, causally related to his accepted May 11, 2023 employment injury.

In support of his claim for compensation, appellant submitted work notes dated September 14 and 25, 2023 by a physician assistant. As noted above, the Board has held that certain healthcare providers such as physician assistants are not considered physicians as defined under FECA and, therefore, are not competent to provide a medical opinion. Therefore, this evidence is of no probative value and is insufficient to establish appellant's claim for wage-loss compensation for the period September 16 through 22, 2023.²³

¹⁷ 20 C.F.R. § 10.5(f).

¹⁸ See *H.B.*, Docket No. 20-0587 (issued June 28, 2021); *L.W.*, Docket No. 17-1685 (issued October 9, 2018).

¹⁹ See *H.B.*, *id.*; *K.H.*, Docket No. 19-1635 (issued March 5, 2020).

²⁰ See *D.R.*, Docket No. 18-0323 (issued October 2, 2018).

²¹ *M.R.*, Docket No. 24-0846 (issued October 29, 2024); *Y.S.*, Docket No. 19-1572 (issued March 12, 2020).

²² *M.R.*, *id.*; *J.B.*, Docket No. 19-0715 (issued September 12, 2019); *Amelia S. Jefferson*, 57 ECAB 183 (2005); *Fereidoon Kharabi*, 52 ECAB 291, 293 (2001).

²³ *Supra* note 16.

In her medical reports and work status notes dated September 29, 2023 through February 19, 2024, Dr. Mathews indicated that appellant underwent a series of injections to the right piriformis and bilateral SI joints and had periods of disability while receiving those treatments. However, none of these reports offered an opinion as to whether appellant was disabled from work due to the accepted May 11, 2023 right ankle injury for the period September 16 through 22, 2023. The Board has held that medical evidence that does not offer an opinion regarding the cause of an employee's condition or disability is of no probative value on the issue of causal relationship.²⁴ Therefore, these reports are of no probative value and are insufficient to establish appellant's claim for wage-loss compensation for the period September 16 through 22, 2023.

In his April 11, 2024 report, Dr. Hammel, the DMA, opined that appellant's claimed period of disability from September 16 through 22, 2023 was unrelated to the accepted May 11, 2023 employment injury. He explained that there was no objective support to establish causal relationship between the claimed period of disability from September 16 through 22, 2023 and the accepted May 11, 2023 employment injury. As Dr. Hammel's opinion regarding appellant's wage-loss claim has reliability, probative value, and convincing quality with respect to its conclusions regarding the relevant issue, the Board finds that it constitutes the weight of the medical evidence.

As the medical evidence of record is insufficient to establish disability from work for the period September 16 through 22, 2023 due to the accepted May 11, 2023 employment injury, the Board finds that appellant has not met his burden of proof.

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.

LEGAL PRECEDENT -- ISSUES 3 & 4

Section 8128(a) of FECA does not entitle a claimant the review of an OWCP decision as a matter of right.²⁵ OWCP has discretionary authority in this regard and has imposed limitations in exercising its authority.²⁶ One such limitation is that the request for reconsideration must be received by OWCP within one year of the date of the decision for which review is sought.²⁷

²⁴ *C.V.*, Docket No. 18-1106 (issued March 20, 2019); *M.E.*, Docket No. 18-0330 (issued September 14, 2018); *L.B.*, Docket No. 18-0533 (issued August 27, 2018); *D.K.*, Docket No. 17-1549 (issued July 6, 2018); *A.D.*, 58 ECAB 149 (2006).

²⁵ 5 U.S.C. § 8128(a).

²⁶ 20 C.F.R. § 10.607.

²⁷ *Id.* at § 10.607(a). For merit decisions issued on or after August 29, 2011, a request for reconsideration must be received by OWCP within one year of OWCP's decision for which review is sought. Federal (FECA) Procedure Manual, Part 2 -- Claims, *Reconsiderations*, Chapter 2.1602.4 (September 2020). Timeliness is determined by the document receipt date of the request for reconsideration as indicated by the received date in the Integrated Federal Employees' Compensation System (iFECS). *Id.* at Chapter 2.1602.4b.

A timely request for reconsideration, including all supporting documents, must set forth arguments, and contain evidence that either: (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.²⁸ When a timely request for reconsideration does not meet at least one of the above-noted requirements, OWCP will deny the request for reconsideration without reopening the case for a review on the merits.²⁹

ANALYSIS -- ISSUE 3

The Board finds that OWCP properly denied appellant's August 28, 2024 request for reconsideration of the merits of his expansion claim and claim for disability from work for the period September 16 through 22, 2023, pursuant to 5 U.S.C. § 8128(a).

Appellant has not alleged or demonstrated that OWCP erroneously applied or interpreted a specific point of law. Moreover, he has not advanced a relevant legal argument not previously considered. Consequently, appellant is not entitled to a review of the merits of his claim based on the first and second above-noted requirements under 20 C.F.R. § 10.606(b)(3).³⁰

In support of his August 28, 2024 request for reconsideration, appellant also did not submit any relevant and pertinent new evidence. Thus, he is not entitled to further review of the merits of his expansion claim based on the third requirement under 20 C.F.R. § 10.606(b)(3).³¹

The Board, therefore, finds that appellant has not met any of the requirements of 20 C.F.R. § 10.606(b)(3). Pursuant to 20 C.F.R. § 10.608, OWCP properly denied merit review of his expansion claim and claim for disability from work for the period September 16 through 22, 2023.

ANALYSIS -- ISSUE 4

The Board finds that OWCP properly denied appellant's request for reconsideration of the merits of his claim for disability from work for the period June 26 through 30, 2023, pursuant to 5 U.S.C. § 8128(a).

Appellant has not alleged or demonstrated that OWCP erroneously applied or interpreted a specific point of law. Moreover, he has not advanced a relevant legal argument not previously considered. Consequently, appellant is not entitled to a review of the merits of his claim based on the first and second above-noted requirements under 20 C.F.R. § 10.606(b)(3).³²

²⁸ *Id.* at § 10.606(b)(3); *see L.F.*, Docket No. 20-1371 (issued March 12, 2021); *B.R.*, Docket No. 19-0372 (issued February 20, 2020).

²⁹ *Id.* at § 10.608.

³⁰ *C.B.*, Docket No. 18-1108 (issued January 22, 2019).

³¹ *Id.*

³² *Id.*

In support of his September 23, 2024 request for reconsideration, appellant submitted June 16 and July 18, 2023 CA-20 forms; however, this evidence duplicated evidence already of record. The Board has held that the submission of evidence which repeats or duplicates evidence already in the case record does not constitute a basis for reopening a case.³³ The remaining evidence received following OWCP's September 22, 2023 decision does not address the underlying issue on reconsideration of whether appellant has met his burden of proof to establish disability for the period June 26 through 30, 2023, which is a medical issue. The Board has held that the submission of evidence or argument which does not address the particular issue involved, does not constitute a basis for reopening a case.³⁴ Therefore, appellant is not entitled to further review of the merits of his claim based on the third requirement under 20 C.F.R. § 10.606(b)(3).

The Board, therefore, finds that appellant has not met any of the requirements of 20 C.F.R. § 10.606(b)(3). Pursuant to 20 C.F.R. § 10.608, OWCP properly denied merit review.

CONCLUSION

The Board finds that appellant has not met his burden of proof to expand the acceptance of his claim to include bilateral sacroiliitis as causally related or consequential to his accepted May 11, 2023 employment injury. The Board further finds that he has not met his burden of proof to establish disability from work for the period September 16 through 23, 2023 due to the accepted May 11, 2023 employment injury. The Board also finds that OWCP properly denied appellant's August 28, 2024 request for reconsideration of the merits of his expansion claim and claim for disability from work for the period September 16 through 23, 2023, pursuant to 5 U.S.C. § 8128(a) and properly denied his September 23, 2024 request for reconsideration of the merits of his claim for disability from work for the period June 26 through 30, 2023, pursuant to 5 U.S.C. § 8128(a).

³³ See *D.B.*, Docket No. 22-1241 (issued April 27, 2023); *J.L.*, Docket No. 21-1373 (issued March 27, 2023); *S.F.*, Docket No. 18-0516 (issued February 21, 2020); *Eugene F. Butler*, 36 ECAB 393, 398 (1984).

³⁴ *R.B.*, Docket No. 24-0350 (issued October 7, 2024); *M.K.*, Docket No. 18-1623 (issued April 10, 2019); *Edward Matthew Diekemper*; 31 ECAB 224, 225 (1979).

ORDER

IT IS HEREBY ORDERED THAT the May 8 and August 27, 2024 merit decisions, and September 25, 2024 nonmerit decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: November 19, 2024
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