

# OWCP suspends, resumes oral hearings



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**O**n April 22, OWCP sent out notices unilaterally canceling every scheduled oral hearing nationwide. This was deeply disturbing to us on multiple levels. It left hundreds of our members who were anxiously awaiting the timely adjudication of their claims stranded in uncertainty—many without income and unable to work. The right to an oral hearing is the only avenue of appeal that the Federal Employees' Compensation Act (FECA) itself

explicitly provides for at 5 USC 8124(b).<sup>1</sup> Congress created this statutory right almost 60 years ago, when it amended the FECA in 1966. And while this is the first time that this right has been suspended, the good news is that OWCP resumed scheduling oral hearings at the end of June.

According to the cancellation notices sent out, “Due to unforeseen circumstances related to our contracted transcription service, we regret to inform you that your upcoming hearing (scheduling notice attached) must be cancelled.” While there were unsubstantiated rumors that the Department of Government Efficiency (DOGE) canceled the transcription service contract, without the transcription service the statutorily mandated hearings could not take place. Court reporters form an essential part of the oral hearing process and the transcriptions they produce constitute the legal record of the hearing.

**Every initial formal decision from OWCP carries with it the right to request an oral hearing.** And while initial formal decisions often involve the initial denial of a claim, initial formal decisions can occur at any point during the life of an accepted claim. They can be issued in cases involving denials of wage-loss compensation, terminations of benefits based on recovery or the rejection of suitable work, wage-earning capacity determinations to reduce compensation benefits, denials

or reductions of schedule awards, reimbursements of travel expenses, forfeitures of benefits, denials of medical procedures, etc.

An appeal to the Branch of Hearings and Review (BHR) for an oral hearing or review of the written record must be made within 30 days from the date of the decision. Hearings representatives at the BHR are among the most experienced claims examiners with broad knowledge of the FECA and OWCP regulations and procedure.

In many initial denials, especially the initial denial of a claim, oral hearings may be the best appeal route. In the give and take of the hearing, the hearings representative can respond to the claimant's questions and provide guidance to the claimant regarding deficiencies in the case and the sort of evidence that the claimant will need to produce to overcome the deficiencies in order to get a claim accepted, or an initial denial or reduction of a benefit reversed.

An oral hearing is also a good venue in cases where the issues are more complex. For example, if the claim is denied for a “performance of duty” issue, such as in the case of an emotional reaction claim, it will be easier at oral hearing to address direct questions from the hearing representative and present clarifying testimony from the claimant, their co-workers, or any other witnesses to the issue at hand.<sup>2</sup>

The biggest downside to requesting an oral hearing is that it can take three to six months to get the hearing scheduled, and then up to 75 days to get a decision. Appealing to BHR, however, in many cases it might actually expedite the appeals process. When hearings representatives receive an appeal, they will review the entire case file. If they find, during this preliminary review, sufficient evidence to reverse the initial decision or to determine that the initial decision was in error, they can issue a new decision without even going to hearing. In recent years, OWCP has encouraged its hearings representatives to issue such decisions whenever the evidence warrants it. Our regional workers' compensation assistants have all noted the positive effects of this policy emphasis.

**While the NALC welcomes the resumption of oral hearings, we still have deep concerns over ongoing staff reductions within OWCP.** The Department of La-

<sup>1</sup> The other avenues of appeal, such as applications for reconsideration or to the Employees' Compensation Appeals Board, fall under the more general language of 5 USC 8128(a) that permits the secretary of labor to “review an award for or against payment of compensation at any time on his own motion or on application.” This language gave the Department of Labor the authority to create OWCP's appeals process, found in Subpart G of the implementing regulations at 20 CFR 10.600-626.

<sup>2</sup> An oral hearing is the only appeal route that permits oral testimony by witnesses. And it is the only part of the claims process where a claimant may request a subpoena. The granting or denial of such a request is at the discretion of the hearing representative.

bor (DOL) has told us repeatedly over the years that well-run state injury compensation programs, such as in Washington state, operate most efficiently in balancing quality and timeliness of case decisions with a ratio of about 200 case per claims examiner. That's the industry gold standard. The current ratio at the DOL is approximately four times higher. Frankly, with such a high caseload, we're anticipating delays

in claims processing that in the short run will disrupt and devastate injured workers' families, and in the long run will make the program more expensive. Timely adjudication of cases and prompt provision of treatment and benefits result in a much higher return-to-work rate. Delays lead to higher costs with workers remaining on the OWCP rolls for much longer—and sometimes permanently.

## News

# Updated food drive results and corrections

**T**he list of branch totals for the 2025 Stamp Out Hunger Food Drive results that ran in the July issue of *The Postal Record* accidentally included the incorrect names for

a number of branches. The correct branches are in the first list below.

The second list below are additions to the results published in the previous issue. With these additions and

Kellanova committed to providing 250,000 pounds of food to local food banks nationwide, the overall total pounds of food collected increases to 48,104,028 pounds. **PR**

## Corrected branch names

Palm Springs, CA Br. 4149  
Ft. Lauderdale, FL Br. 2550  
Milledgeville, GA Br. 1269  
Gainesville, GA Br. 1441  
Cedar Falls, IA Br. 719  
Arlington Heights, IL Br. 2810

Frankfort, IN Br. 368  
Evansville, IN Br. 377  
Jeffersonville, IN Br. 553  
Elizabethtown, KY Br. 3515  
Jackson, MI Br. 232  
Wyandotte, MI Br. 758

Cape Girardeau, MO Br. 1015  
Paterson, NJ Br. 120  
South Jersey, NJ Br. 908  
Raton, NM Br. 1142  
Jamaica, NY Br. 562  
Orangeburg, SC Br. 1782

Atlanta, TX Br. 5445  
Logan, UT Br. 970  
North Sound, WA Br. 450  
Milton, WV Br. 5599

## Additional branch totals

### Arkansas

Camden Br. 1802..... 788  
West Memphis Br. 4189..... 864

### California

Tulare Br. 1810..... 260  
Pasadena Br. 2200..... 123,537

### Kansas

Emporia Br. 185..... 2,700

### Kentucky

Lawrenceburg Br. 3624..... 100

### Massachusetts

Boston Br. 34.....158,860

### Michigan

Menominee Br. 249..... 8,200  
Zeeland Br. 2178..... 12,281

### Mississippi

Jackson Br. 217..... 1,017

### North Dakota

Dickinson Br. 1463..... 1,205

### Ohio

Martins Ferry Br. 1061..... 5,000

### Oklahoma

Guymon Br. 3264..... 765

### Tennessee

Greeneville Br. 1079..... 2,245

### Utah

Pleasant Grove Br. 5360..... 12,317  
Moab Br. 5964..... 2,000

### Virginia

Virginia Beach Br. 2819..... 15,571

### Washington

Tacoma Br. 130..... 86,357  
Snohomish Co. Br. 791..... 176,603

### Wisconsin

Madison Br. 507..... 156,100

### Wyoming

Riverton Br. 5923..... 1,260

