

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

MAY 04 2010

Clerk, U.S. District and
Bankruptcy Courts

Angela Denise Nails,

Plaintiff,

v.

United States Department of Labor,

Defendant.

Civil Action No.

10-0690

MEMORANDUM OPINION

Plaintiff Angela Denise Nails has filed an application to proceed without prepayment of fees and a pro se complaint. The application will be granted and the complaint will be dismissed for lack of subject matter jurisdiction.

Nails alleges that while on the job as an employee of the federal government working in Hanau, Germany in a military mess hall, she was injured by scalding water. Compl. at 1. She alleges that she “submitted my forms for my work injury but I have not received any response about my claim for my benefits.” *Id.*; *see also id.* at 2 (asserting that she has not received any worker compensation payments). Nails seeks \$30,000 for pain and suffering and for the permanent scarring and discoloration of her left leg. *Id.* at 2. She also asks “the Court to conclude that the Worker Compensation Laws did apply in 1981 to those worker[s] who worked for the Department of [t]he Army who were working outside of the United States.” *Id.*

Workplace injuries for federal employees may be compensable under the Federal Employees Compensation Act (“FECA”), 5 U.S.C. § 8101 *et seq.*

However, all decisions regarding an employee's entitlement to FECA benefits are made by the Department of Labor and may not be reviewed in federal court. *See*

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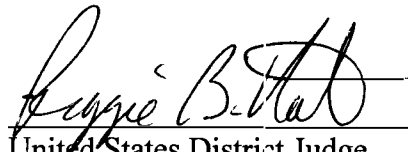
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Mason v. District of Columbia, 395 A.2d 399, 402 (D.C. 1978); 5 U.S.C. § 8128(b) (“The action of the Secretary or his designee in allowing or denying a payment under [FECA] is ... not subject to review by another official of the United States or by a court by mandamus or otherwise.”) Accordingly, the Court must dismiss any workers' compensation claim for lack of subject matter jurisdiction.

Schmidt v. Shah, __ F. Supp. 2d __, 2010 WL 937920,*16 (D.D.C. March 17, 2010).

Accordingly, the Court will dismiss the complaint without prejudice for lack of subject matter jurisdiction. A separate order accompanies this memorandum opinion.

Date: *April 28, 2010*


United States District Judge