

medical evidence in support of his claim. The hearing representative specifically stated, “To date no additional medical evidence or impairment rating has been received.”

It appears that the hearing representative in his May 13, 2010 decision did not review the additional evidence properly submitted by appellant and received by the Office on May 11, 2010, as no reference is made to the evidence in the decision. For this reason, the case will be remanded to the Branch of Hearings and Review to enable the Office to properly consider all the evidence submitted prior to the issuance of its May 13, 2010 decision. Following such further development as the Office deems necessary, it shall issue an appropriate decision on the merits.

IT IS HEREBY ORDERED THAT the May 13, 2010 decision of the Office of Workers’ Compensation Programs is set aside; the case record is remanded to the Office for further proceedings consistent with this order of the Board.

Issued: April 8, 2011
Washington, DC

Richard J. Daschbach, Chief Judge
Employees’ Compensation Appeals Board

Alec J. Koromilas, Judge
Employees’ Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees’ Compensation Appeals Board