

**United States Department of Labor  
Employees' Compensation Appeals Board**

B.B., Appellant	)	
	)	
and	)	Docket No. 24-0745
	)	Issued: August 15, 2024
U.S. POSTAL SERVICE, LAX MAR VISTA STATION, Los Angeles, CA, Employer	)	
	)	

*Appearances:*  
*Appellant, pro se*  
*Office of Solicitor, for the Director*

*Case Submitted on the Record*

**ORDER REMANDING CASE**

Before:  
PATRICIA H. FITZGERALD, Deputy Chief Judge  
VALERIE D. EVANS-HARRELL, Alternate Judge  
JAMES D. MCGINLEY, Alternate Judge

On July 3, 2024 appellant filed a timely appeal from a July 1, 2024 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 24-0745.

On January 8, 2024 appellant, then a 30-year-old distribution clerk, filed a traumatic injury claim (Form CA-1) alleging that he sustained a right shoulder injury that same day when unloading an over-the-road (OTR) container while in the performance of duty. He stopped work on January 8, 2024 and returned to work on January 10, 2024. OWCP accepted the claim for right shoulder impingement syndrome, unspecified sprain of right shoulder joint, and superior glenoid labrum lesion of right shoulder. It paid appellant wage-loss compensation on the supplemental rolls from March 26 through May 24, 2024.

On June 24, 2024 appellant filed a claim for compensation (Form CA-7) for disability from work for the period May 25 through June 21, 2024.

By decision dated July 1, 2024, OWCP denied appellant's disability claim.

The Board, having duly considered this matter, finds that the case is not in posture for decision.

OWCP's procedures provide that development of a claim for wage-loss compensation may be required to adjudicate the claim, make the payment, or both. Thus, it will be necessary for OWCP to request additional information when a claim for compensation is received, but there is insufficient evidence of record to pay the claim.<sup>1</sup>

Therefore, appellant should have been afforded an opportunity to submit the requested evidence. OWCP, however, issued its decision denying her disability claim on July 1, 2024 without fulfilling its responsibility to develop the claim pursuant to its own procedures.<sup>2</sup>

Thus, the Board finds that this case must be remanded for proper application of OWCP's procedures, allowing appellant an opportunity to submit the necessary evidence. Following further development as OWCP deems necessary, it shall issue a *de novo* decision. Accordingly,

**IT IS HEREBY ORDERED THAT** the July 1, 2024 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further proceedings consistent with this order of the Board.

Issued: August 15, 2024  
Washington, DC

Patricia H. Fitzgerald, Deputy Chief Judge  
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge  
Employees' Compensation Appeals Board

James D. McGinley, Alternate Judge  
Employees' Compensation Appeals Board

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<sup>1</sup> See Federal (FECA) Procedure Manual, Part 2 -- Claims, *Compensation Claims*, Chapter 2.09015 (February 2013).

<sup>2</sup> *Id.* See e.g., *Order Remanding Case, V.H*, Docket No. 23-1013 (issued February 15, 2024).