

knee and back injuries after being attacked by his supervisor on May 26, 2023. Appellant was assessed with left knee sprain, lumbar strain, and acute stress reaction. He was released to return to work for two hours a day, with lifting limited to 5 pounds, no crawling, kneeling, squatting, or climbing.

In July 12, 17, and 24, 2023 reports, Dr. Thomas Corson, an osteopathic physician Board-certified in emergency medicine, diagnosed left knee and lumbar sprains/strain, acute stress reaction, and alleged assault. He released appellant to work with restrictions for two hours per day. In the July 24, 2023 report, Dr. Corson related that appellant had not returned to work due to his restrictions.

OWCP also received physical therapy reports dated from July 12, 2023 to February 16, 2024.

On August 7, 2023 appellant accepted a modified job offer working two hours per day with restrictions and returned to work on August 8, 2023.

By decision dated August 23, 2023, OWCP denied appellant's claim finding that appellant had not established that the May 29, 2023 incident occurred as alleged.

OWCP thereafter received an August 11, 2023 report from Dr. Corson wherein he again noted diagnoses of left knee sprain, acute stress reaction, and lumbar strain. Dr. Corson noted that appellant was in the beginning stages of healing.

On September 12, 2023 appellant requested an oral hearing before an OWCP hearing representative. By decision dated November 2, 2023, the Branch of Hearings and Review conducted a preliminary review, and found the case was not in posture. It vacated the August 23, 2023 decision, and remanded for further development of the record.

OWCP subsequently received reports from Ron Rasis, a physician assistant, including reports covering the period July 24, 2023 through January 17, 2024. Mr. Rasis noted an injury date of May 29, 2023 and diagnosed acute stress reaction, left knee and lumbar strains, and alleged assault. In the July 24, 2023 report, he noted appellant was not working due to his restrictions. Mr. Rasis noted appellant was capable of working modified duty in reports dated August 14 and September 11, 2023 and January 17, 2024.

OWCP also received a January 17, 2024 work activity report wherein Mr. Rasis opined appellant was able to return to modified duty. Mr. Rasis diagnosed acute stress reaction, left knee and lumbar strains, and alleged assault.

By decision dated February 8, 2024, OWCP accepted the claim for lower back muscle, fascia, and tendon strain. It paid appellant on the supplemental rolls for the period June 3 to 16, 2023.

Appellant accepted a modified job offer on February 14, 2024 for full-time work.

On March 17, 2024 appellant filed two claims for compensation (Form CA-7) claiming disability for the period July 18, 2023 through February 2, 2024.

By decision dated June 4, 2024, OWCP denied appellant's claim for compensation for the period July 18, 2023 through February 2, 2024. It noted that appellant did not submit any evidence in support of his wage-loss claim.

The Board finds that the case is not in posture for decision.

In the case of *William A. Couch*,² the Board held that, when adjudicating a claim, OWCP is obligated to consider all evidence properly submitted by a claimant and received by OWCP before the final decision is issued. While OWCP is not required to list every piece of evidence submitted, the Board notes that the reports covering the period July 12, 2023 through January 17, 2024 from appellant's various medical providers were not considered and addressed by OWCP in its June 4, 2024 decision.³

Because Board decisions are final with regard to the subject matter appealed,⁴ it is crucial that OWCP consider and address all evidence received prior to the issuance of its final decision.⁵ The Board finds that this case is not in posture for decision, as OWCP did not consider and address the above-noted evidence in its June 4, 2024 decision.⁶ On remand, OWCP shall review all of the evidence submitted in support of appellant's claim. Following this, and other such further development as deemed necessary, it shall issue an appropriate decision. Accordingly,

² 41 ECAB 548 (1990); see *Order Remanding Case, M.S.*, Docket No. 24-0821 (issued October 8, 2024); *J.R.*, Docket No. 21-1421 (issued April 20, 2022); see also *R.D.*, Docket No. 17-1818 (issued April 3, 2018).

³ See *C.D.*, Docket No. 20-0168 (issued March 5, 2020).

⁴ See *M.S.*, *supra* note 2; *C.S.*, Docket No. 18-1760 (issued November 25, 2019); *Yvette N. Davis*, 55 ECAB 475 (2004); see also *William A. Couch*, *supra* note 2.

⁵ All evidence submitted should be reviewed and discussed in the decision. Evidence received following development that lacks probative value should also be acknowledged. Whenever possible, the evidence should be referenced by author and date. Federal (FECA) Procedure Manual, Part 2 -- Claims, *Initial Denials*, Chapter 2.1401.5(b)(2) (November 2012). See also *E.D.*, Docket No. 20-0620 (issued November 18, 2020); *Linda Johnson*, 45 ECAB 439 (1994) (OWCP must review all evidence relevant to the subject matter and received by it before issuance of its final decision, including medical reports received on the same day it issues its decision); *William A. Couch*, *supra* note 2.

⁶ See *M.S.*, *supra* note 2; *Order Remanding Case, L.G.*, Docket No. 23-0637 (issued September 15, 2023).

IT IS HEREBY ORDERED THAT the June 4, 2024 decision is set aside and the case is remanded for further proceedings consistent with this order of the Board.

Issued: December 11, 2024
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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