

A work status note from an emergency department with an illegible signature dated February 15, 2023 indicated that appellant was off work through February 18, 2023 for orthopedic musculoskeletal pain management.

An attending physician's report (Form CA-20) by Dr. Rory Allen, an osteopathic family medicine specialist, dated May 19, 2023, indicated the following diagnoses: headache, cervical and lumbar injury, bilateral shoulder sprain, jaw sprain, bilateral foot sprain, bilateral wrist sprain, left hand sprain, sciatica, and "injury" to face and left ear. Dr. Allen checked a box marked "No" to the question of prior history or evidence of concurrent or preexisting injury, disease, or physical impairment. He further checked a box marked "Yes" to the question of whether he believed appellant's condition was caused or aggravated by an employment activity. Dr. Allen noted a period of total disability from February 15 through June 19, 2023 and kept appellant off work.

In a report dated March 2, 2023, Dr. Eric Y. Baden, Board-certified in emergency medicine, noted that appellant was seen for what was thought to be multiple contusions and sprains of the jaw, right hand, right wrist, right foot, and right ankle. X-ray evaluation of the affected extremities did not show any evidence of fracture.

On May 19, 2023 appellant was seen by Philip Rodriguez, a chiropractic nurse practitioner, who diagnosed multiple sprains.

Appellant filed a claim for compensation (Form CA-7) on June 23, 2023, claiming leave without pay from February 16 through June 17, 2023.

In a July 11, 2023 development letter, OWCP informed appellant of the deficiencies of his claim for disability from work commencing February 16, 2023. It advised him of the type of additional evidence needed and afforded him 30 days to provide the necessary evidence. No response was received.

By decision dated August 28, 2023, OWCP denied appellant's claim for disability compensation commencing February 16, 2023, finding that the medical evidence of record was insufficient to establish that he was disabled from work during the claimed period due to his accepted February 15, 2023 employment injury. It noted that the only medical evidence it had received in support of his claim was a clinic note dated February 15, 2023 from "Dr. Patel."

The Board, having duly considered this matter, 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 and address all evidence properly submitted by a claimant and received by OWCP before the final decision is issued.

In its August 28, 2023 decision, OWCP only noted receipt of a clinic note dated February 15, 2023, from "Dr. Patel." It failed to consider and address the February 15, 2023 reports from Dr. Scribbick and the May 19, 2023 report from Dr. Allen, received prior to the

² 41 ECAB 548 (1990); see also *Order Remanding Case, A.D.*, Docket No. 22-0519 (issued January 11, 2023); *Order Remanding Case, A.B.*, Docket No. 22-0179 (issued June 28, 2022); *Order Remanding Case, S.H.*, Docket No. 19-1582 (issued May 26, 2020); *R.D.*, Docket No. 17-1818 (issued April 3, 2018).

August 28, 2023 decision, which addressed appellant's diagnoses and disability status. The Board also notes that OWCP also did not note receipt of the additional reports received on May 19, 2023 which related appellant's diagnoses. As such, it failed to follow its procedures by properly reviewing and discussing all of the evidence of record.³ It is crucial that OWCP consider and address all evidence relevant to the subject matter properly submitted prior to the issuance of its final decision, as the Board's decisions are final with regard to the subject matter appealed.⁴

The Board thus finds that this case is not in posture for a decision as OWCP did not consider and address evidence submitted by appellant in support of his claim for compensation.⁵ On remand, the Board shall review all evidence of record and, following any further development as deemed necessary, it shall issue a de novo decision. Accordingly,

IT IS HEREBY ORDERED THAT the August 28, 2023 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: May 22, 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

³ OWCP's procedures provide that 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 2.1401.5b(2) (November 2012).

⁴ See *A.D.*, *supra* note 3; *A.B.*, *supra* note 3; *Order Remanding Case, 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 See *A.B.*, *supra* note 3; *V.C.*, Docket No. 16-0694 (issued August 19, 2016).