

Subsequent to the Board remand OWCP considered the new evidence and by decision dated April 30, 2007 denied appellant's request for reconsideration finding the medical evidence had failed to establish a causal connection between the accepted compensable factors and his diagnosed condition. A further request for reconsideration was filed by appellant's representative and, after considering the merits of the new evidence, OWCP denied the request for reconsideration on July 2, 2008.

On July 14, 2009 the Board, in a second appeal,² set aside the July 2, 2008 OWCP decision as it failed to contain a statement of reasons as required by 20 C.F.R. § 10.126 of OWCP's regulations or any discussion of the medical evidence and why it was insufficient to support appellant's claim.

On remand OWCP referred appellant for a second opinion evaluation with Dr. Arthur S. Samuel, a Board-certified psychiatrist. By decision dated May 10, 2010, OWCP denied appellant's claim. In denying appellant's claim OWCP only discussed Dr. Samuel's medical report. The decision contained no reference or discussion regarding any other medical evidence in the record.

Board precedent holds that OWCP must review and evaluate all the evidence submitted by a claimant and received by OWCP prior to the issuance of a final decision.³ As the Board's jurisdiction is final as to the subject matter, it is crucial that OWCP accomplish this.⁴

It is clear to this Board that OWCP did not consider all of the medical evidence in the record. In fact, to date it has reviewed only the reports of the second opinion physician, Dr. Arthur Samuel. There is no discussion of any of the medical evidence submitted by appellant or why it was insufficient to support his claim or to create a conflict with Dr. Samuel's reports. As such, the Board concludes that the case must be again remanded for review and evaluation of all the medical evidence. Following any further necessary development, OWCP shall issue an appropriate merit decision.

² Docket No. 08-2327 (issued July 14, 2009).

³ See *Yvette N. Davis*, 55 ECAB 475 (2004); *Linda Johnson*, 45 ECAB 439 (1994) (evidence received the same day as the issuance of OWCP's decision); *William A. Couch*, 41 ECAB 548 (1990); *M.B.*, Docket No. 09-176 (issued September 23, 2009); 20 C.F.R. § 501.6(c).

⁴ See *id.*

IT IS HEREBY ORDERED THAT the May 10, 2010 decision of the Office of Workers' Compensation Programs is set aside and the case remanded for further action consistent with this order of the Board.

Issued: August 12, 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