United States Department of Labor Employees' Compensation Appeals Board

D.R., Appellant)
and)
U.S. POSTAL SERVICE, POST OFFICE, Chicago, IL, Employer) 155ucu. April 25, 2015
Appearances: Appellant, pro se Office of Solicitor, for the Director	Case Submitted on the Record

ORDER REMANDING CASE

Before: RICHARD J. DASCHBACH, Chief Judge COLLEEN DUFFY KIKO, Judge PATRICIA HOWARD FITZGERALD, Judge

On November 5, 2012 appellant filed an application for review of a July 27, 2012 merit decision of the Office of Workers' Compensation Programs (OWCP) denying her claim for an additional schedule award.

The Board has duly considered the matter and finds that the case is not in posture for decision and must be remanded to OWCP. In the case of *William A. Couch*, the Board held that, when adjudicating a claim, OWCP is obligated to consider all evidence properly received before a final decision is issued. In the present case, appellant filed a claim for an additional schedule award and submitted, *inter alia*, a May 21, 2012 impairment rating report from Dr. Michael T. Foreman before the July 27, 2012 decision was issued. Nonetheless, OWCP denied her claim without addressing the probative value of Dr. Foreman's report.

Accordingly, the case will be remanded to enable OWCP to properly consider all of the evidence in the case record at the time of the July 27, 2012 decision. Following this and any further development deemed necessary, OWCP shall issue an appropriate merit decision on appellant's claim.

¹ 41 ECAB 548 (1990).

IT IS HEREBY ORDERED THAT the July 27, 2012 decision of the Office of Workers' Compensation Programs is set aside and the case for further action consistent with this order of the Board.

Issued: April 25, 2013 Washington, DC

> Richard J. Daschbach, Chief Judge Employees' Compensation Appeals Board

> Colleen Duffy Kiko, Judge Employees' Compensation Appeals Board

> Patricia Howard Fitzgerald, Judge Employees' Compensation Appeals Board