

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of RANDALL D. MOCK and U.S. POSTAL SERVICE,
POST OFFICE, Fort Wayne, IN

*Docket No. 00-2521; Submitted on the Record;
Issued June 14, 2001*

DECISION and ORDER

Before WILLIE T.C. THOMAS, MICHAEL E. GROOM,
A. PETER KANJORSKI

The issues are: (1) whether appellant's right heel spur, phlebitis or plantar fasciitis is causally related to his federal employment; and (2) whether the Office of Workers' Compensation Programs properly denied appellant's request for a review of the written record by an Office hearing representative.

On June 24, 1999 appellant, then a 43-year-old carrier, filed a claim asserting that his right heel spur and phlebitis were a result of the duties of his position. Appellant implicated years of walking routes and carrying satchels of mail as well as standing on hard floors with very little padding at the cases for hours at a time and with constant pressure on his feet.

The Office requested that appellant submit additional information to support his claim, including a comprehensive medical report from his treating physician providing an opinion, with medical reasons, on the cause of the claimed conditions.

Appellant submitted a June 17, 1999 treatment note from Dr. Andreana L. Hodgini, an osteopath, who related appellant's subjective complaints, objective findings and a diagnosis of superficial phlebitis and known heel spur on the right. In a prescription note dated August 25, 1999, Dr. Hodgini indicated "condition aggravated by work and walking."

In a decision dated October 6, 1999, the Office denied appellant's claim on the grounds that the medical evidence was insufficient to establish that his condition was caused by the implicated employment factor. The Office stated that the evidence it had received consisted of Dr. Hodgini's June 17, 1999 report and August 25, 1999 note.

Also on October 6, 1999, however, the Office received three additional reports, all dated September 28, 1999, from Dr. Karen Sloane, a podiatrist, who reported that she could not be sure that appellant's right plantar fasciitis was caused by appellant's work "but I can say it was made worse by standing/walking." The Office did not refer to this evidence in its October 6, 1999 decision.

In a letter postmarked December 10, 1999, appellant submitted additional evidence and requested a review of the written record by an Office hearing representative.

In a decision dated January 13, 2000, the Office denied appellant's request for a review of the written record on the grounds that he failed to make his request within 30 days and that he could address the issue in his case equally well through the reconsideration process.

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

The Office received additional, relevant medical opinion evidence on the same day that it issued its decision denying appellant's claim. Because the Office identified the evidence it had received (Dr. Hodgini's June 17, 1999 report and August 25, 1999 note), it is clear that the Office did not consider the newly submitted evidence in reaching its decision. In situations such as this, Board precedent holds that the case must be remanded to the Office for a proper review of all the evidence and for an appropriate final decision on appellant's entitlement to compensation.¹ The Board follows that precedent here.²

The October 6, 1999 decision of the Office of Workers' Compensation Programs is set aside and the case remanded for further action consistent with this opinion.

Dated, Washington, DC
June 14, 2001

Willie T.C. Thomas
Member

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member

¹ *Linda Johnson*, 45 ECAB 439 (1994); *William A. Couch*, 41 ECAB 548 (1990).

² The second issue on appeal is therefore moot.