

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of WILLIAM J. MALLORY and U.S. POSTAL SERVICE,
POST OFFICE, Quincy, IL

*Docket No. 02-1060; Submitted on the Record;
Issued November 21, 2002*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant has established a left carpal tunnel syndrome causally related to factors of his federal employment.

On November 30, 2001 appellant, then a 44-year-old letter carrier, filed a notice of occupational disease and claim for compensation (Form CA-2) alleging that he sustained left carpal tunnel syndrome causally related to his federal employment. In a narrative statement, appellant indicated that he carried mail with his left hand, causing his wrist to be continuously bent.

In a letter dated December 18, 2001, the Office of Workers' Compensation Programs requested additional information, including a medical report containing results of diagnostic tests and an opinion on causal relationship. The record indicates that on February 11, 2002 the Office received a November 29, 2001 report from Dr. Andre Edmonds, who reported positive Tinel's sign and Phalen's tests; noted the results on nerve conduction studies and diagnosed severe left carpal tunnel syndrome with persistent neurological deficit.

By decision dated February 12, 2002, the Office denied the claim. The Office noted that it had requested evidence from appellant in a December 18, 2001 letter, but "additional evidence was not received." The Office further stated that there was no medical evidence including objective test results confirming the diagnosis of carpal tunnel syndrome.

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

The Office received a medical report on February 11, 2002 with respect to appellant's carpal tunnel syndrome. The February 12, 2002 Office decision does not discuss this report, but states that it did not receive any evidence in response to its December 18, 2001 letter. It is well

established that when the Office receives relevant evidence, it must be properly reviewed by the Office. As the Board stated in *William A. Couch*:¹

“The Federal Employees’ Compensation Act provides that the Office shall determine and make findings of fact in making an award for or against payment of compensation after considering the claim presented by the employee and after completing such investigation as the Office considers necessary with respect to the claim. Since the Board’s jurisdiction of a case is limited to reviewing the evidence which was before the Office at the time of its final decision, it is necessary that the Office review all evidence submitted by a claimant and received by the Office prior to issuance of its final decision. As the Board’s decisions are final as to the subject matter appealed, it is critical that all evidence relevant to that subject matter which was properly submitted to the Office prior to the time of issuance of its final decision be addressed by the Office.”

Since the Office failed to review relevant evidence that was submitted prior to the February 12, 2002 decision, the case will be remanded for a proper review of the evidence and an appropriate final decision.

The decision of the Office of Workers’ Compensation Programs dated February 12, 2002 is set aside and the case remanded for further action consistent with this decision of the Board.

Dated, Washington, DC
November 21, 2002

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member

¹ 41 ECAB 548 (1990); *see also Linda Johnson*, 45 ECAB 439 (1994).