

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CATHERINE W. MURPHY and U.S. POSTAL SERVICE,
PROCESSING & DISTRIBUTION CENTER, Atlanta, GA

*Docket No. 02-2071; Submitted on the Record;
Issued April 1, 2003*

DECISION and ORDER

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

The issue is whether appellant has established that she sustained an injury while in the performance of duty on February 25, 2002.

On March 14, 2002 appellant, then a 50-year-old clerk, filed a claim alleging that on February 25, 2002 while performing her duties, *i.e.*, lifting mail, she hurt her hands. The employing establishment stated that appellant did not report the incident until March 14, 2002.

By letter dated April 24, 2002, the Office of Workers' Compensation Programs requested detailed factual and medical information from appellant to support her claim. Appellant was advised that a comprehensive medical report from her treating physician providing an opinion, with medical rationale on the cause of the claimed condition was crucial.

On May 17, 2002 the Office received a March 28, 2002 duty status report.

In a decision dated May 28, 2002, the Office denied appellant's claim on the grounds that the medical evidence was insufficient to establish that her condition was caused by the February 25, 2002 employment-related incident. The Office stated that appellant was afforded the opportunity to provide supportive evidence, but that such evidence was not received.

Also on May 28, 2002 the Office received several medical documents from Kaiser Permanente, Dr. Phillip W. Nowlin, including x-rays of the left wrist and hand and Dr. Nowlin's statement that he believes appellant had carpal tunnel syndrome related to the type of work she performed. The Office did not refer to this evidence in its May 28, 2002 decision.

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 specifically stated that "Additional evidence was not received," 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 May 28, 2002 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
April 1, 2003

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member

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