

In a letter dated September 21, 2007, the Office notified appellant of the deficiencies in her claim and requested she provide additional information.

Appellant thereafter submitted a personal statement and several detailed medical reports from Dr. Ronald L. Meisel, an osteopath, dated June 8 through September 28, 2007. The record reveals that this evidence was received by the Office on October 22, 2007.

In a decision dated October 23, 2007, the Office denied appellant's claims on the grounds that she failed to provide sufficient medical evidence relating her right elbow condition to her federal employment. It found that she did not submit any evidence in response to the September 21, 2007 letter advising her of the deficiencies in her claim.

LEGAL PRECEDENT

The Board's jurisdiction is limited to reviewing the evidence that was before the Office at the time of its final decision.¹ As the Board's decisions are final with regard to the subject matter appealed, it is crucial that the Office consider all relevant evidence that was properly submitted prior to the issuance of its final decision.²

ANALYSIS

In the October 23, 2007 decision, the Office specifically stated that appellant did not provide any evidence subsequent to a September 21, 2007 letter noting deficiencies in the claim. However, the record reveals that on October 22, 2007 the Office received appellant's personal statement and medical reports from Dr. Meisel dated June 8 through September 28, 2007. Although the medical reports and statement were received prior to the October 23, 2007 decision, it is evident that the Office did not consider this evidence. The Board finds that the Office failed to address relevant evidence submitted prior to the October 23, 2007 decision. Accordingly, the case is remanded for a proper review of the evidence and issuance of a final decision.

CONCLUSION

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

¹ 20 C.F.R. § 501.2(c).

² 20 C.F.R. § 501.6(c). See *William A. Couch*, 41 ECAB 548, 553 (1990); *William McKennon*, 51 ECAB 145 (1999).

ORDER

IT IS HEREBY ORDERED THAT the October 23, 2007 decision of the Office of Workers' Compensation Programs is set aside and the case remanded for further consideration consistent with this decision.

Issued: January 22, 2009
Washington, DC

David S. Gerson, Judge
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge
Employees' Compensation Appeals Board

James A. Haynes, Alternate Judge
Employees' Compensation Appeals Board