

The Office accepted appellant's January 28, 2004 traumatic injury claim for open right wrist distal radial fracture; aggravation of herniated disc at L4-5; open fracture of lower radius of right wrist; permanent aggravation of L4-5 disc herniation; bilateral sciatica; internal complication of mechanical orthopedic device; right wrist/hand traumatic tenosynovitis and aggravation of osteoarthritis of the left wrist. Appellant sought to expand his claim to include additional diagnoses relative to his bilateral feet, bilateral legs, left toes, left hip, bilateral buttocks, left shoulder and neck. By decisions dated November 28, 2007, June 9, 2008 and January 14, 2009, the Office denied his request to expand his claim on the grounds that the medical evidence was insufficient to establish a causal relationship between the accepted injury and the claimed additional conditions. Appellant submitted a timely request for reconsideration, together with new medical evidence. In a June 29, 2009 decision, the Office denied his request for reconsideration. On April 9, 2010 the Board set aside the June 29, 2009 decision and remanded the case to the Office for review of the merits on the issue of whether appellant had identified additional medical conditions that were causally related to the accepted employment injury. The Board discussed the newly-submitted evidence and found that the medical reports submitted in support of his request for reconsideration constituted pertinent new evidence that was relevant to the underlying issue and was not previously considered by the Office.

By decision dated July 15, 2010, the Office denied modification of its January 14, 2009 decision. The claims examiner identified the reports and statements submitted by date and author, stating that the claim should not be expanded because the appellant did not present any new medical evidence supporting a causal relationship.

The Board finds that this case is not in posture for a decision, as the Office's stated reasons for denying expansion of appellant's claim are insufficient. Under section 8103(a) of Act, the Office is required by statute and regulations to make findings of fact in making a determination regarding entitlement to compensation benefits.³ Office procedure further specifies that a final decision of the Office must include findings of fact and provide clear reasoning which allows the claimant to understand the precise defect of the claim and the kind of evidence which would tend to overcome it.⁴ These requirements are supported by Board precedent.⁵ In this case, the claims examiner failed to discuss or explain deficiencies contained in any specific report submitted by appellant in support of his reconsideration request. He merely listed the documents submitted and issued a blanket statement to the effect that the new evidence was insufficient to establish the required causal relationship. Because the claims examiner failed to address the substance of any of the numerous medical reports submitted, the Board is unable to determine whether the Office properly denied appellant's request to expand his claim. Accordingly, the Board finds that the case is not in posture for a decision and must be remanded for issuance of an appropriate decision.

³ 5 U.S.C. § 8124(a) provides: The Office shall determine and make a finding of facts and make an award for or against payment of compensation. 20 C.F.R. § 10.126 provides in pertinent part that the final decision of the Office shall contain findings of fact and a statement of reasons.

⁴ See Federal (FECA) Procedure Manual, Part 2 -- Claims, *Disallowances*, Chapter 2.1400.4 (July 1997).

⁵ See *T.K.*, Docket No. 09-1729 (issued May 10, 2010); *James D. Boller, Jr.*, 12 ECAB 45, 46 (1960).

IT IS HEREBY ORDERED THAT that the July 15, 2010 decision of the Office of Workers' Compensation Programs be set aside and remanded to the Office for action consistent with the terms of this order.

Issued: July 25, 2011
Washington, DC

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

Alec J. Koromilas, Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board