

Board precedent holds that the Office must review all the evidence submitted by a claimant and received by the Office prior to the issuance of a final decision.¹ As the Board's jurisdiction is final as to the subject matter, it is crucial that the Office accomplish this.²

Because the Office specifically found in its March 3, 2010 nonmerit decision that it had not received new and relevant evidence, it is clear to this Board that the Office did not consider the newly submitted evidence in reaching its decision. As such, the Board concludes that the case must be remanded for review of this evidence. Following any further necessary development, the Office shall issue an appropriate decision to protect appellant's rights to future appeals.

IT IS HEREBY ORDERED THAT the March 3, 2010 nonmerit decision of the Office of Workers' Compensation Programs is set aside and the case remanded for further action consistent with this order of the Board.

Issued: May 12, 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

¹ See *M.B.*, Docket No. 09-176 (issued September 23, 2009); *Yvette N. Davis*, 55 ECAB 475 (2004); *Linda Johnson*, 45 ECAB 439 (1994) (evidence received the same day as the issuance of the Office's decision); *William A. Couch*, 41 ECAB 548 (1990); 20 C.F.R. § 501.6(c).

² See *id.*