

**United States Department of Labor
Employees' Compensation Appeals Board**

D.B., Appellant

and

**U.S. POSTAL SERVICE, POST OFFICE,
St. Louis, MO, Employer**

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**Docket No. 11-463
Issued: January 25, 2012**

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

ORDER REMANDING CASE

Before:

RICHARD J. DASCHBACH, Chief Judge
COLLEEN DUFFY KIKO, Judge
MICHAEL E. GROOM, Alternate Judge

On December 14, 2010 appellant filed an appeal from a September 1, 2010 decision of the Office of Workers' Compensation Programs (OWCP) denying her recurrence and schedule award claims. The Board assigned Docket No. 11-463.

On review of the case record submitted by OWCP, the Board finds that the record is incomplete. OWCP accepted appellant's January 7, 1991 traumatic injury claim for contusion of the left shoulder in claim number xxxxxx610. The record reflects that appellant filed a claim for a June 26, 2006 traumatic injury, which was accepted for right shoulder strain under File No. xxxxxx551. OWCP subsequently combined File No. xxxxxx551 with the instant case, File No. xxxxxx610. File No. xxxxxx551 became the master case number for this claim.

In a June 21, 2010 development letter, OWCP reported that appellant was not on limited duty for any of the claims she had filed with OWCP and was released to full unrestricted duty on August 3, 2006. The record demonstrates, however, that appellant accepted a U.S. Postal Service light-duty job offer as a modified clerk on July 16, 2007. Appellant and her supervisor stated that appellant had actually been on limited duty following the January 7, 1991 incident until she was released from her assignment on May 22, 2010. In its September 1, 2010 decision,

OWCP did not address this discrepancy in the facts.¹ It is unclear in the record forwarded to the Board whether appellant was working a light-duty assignment, had returned to full unrestricted duty, or whether her position was withdrawn by the employing establishment on May 22, 2010. These questions must be clarified.

The record on appeal also appears incomplete because there are significant gaps in time for documents submitted since the claim was filed on January 7, 1991. When presented with an inadequate record, the Board must provide OWCP with an opportunity to provide full information.²

Because the Board is unable to render a fully informed decision, the September 1, 2010 decision will be set aside and the case remanded. On remand, OWCP will undertake appropriate development to reconstruct the case record. Following this and such further development as it may deem necessary, OWCP shall issue a merit decision on appellant's schedule award and recurrence claims.

¹ "Any discrepancies found must be clarified by obtaining the necessary factual evidence before the claim can be properly adjudicated." Federal (FECA) Procedure Manual, Part 2 -- Claims, *Initial Development of Claims*, Chapter 2.800.7(b)(1) (June 2011).

² *Richard Kendall*, 43 ECAB 790 (1992).

IT IS HEREBY ORDERED THAT the Office of Workers' Compensation Programs' schedule award decision dated September 1, 2010 and recurrence decision dated September 1, 2010 are set aside and the case remanded to OWCP for further proceedings consistent with this decision.

Issued: January 25, 2012
Washington, DC

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

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

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