



xxxxxx829, xxxxxx578 and xxxxxx611, which have been accepted for cervical and upper extremity conditions.

In addition, the record contains a December 8, 2009 memorandum from an OWCP claims examiner stating “medical schedule award document sent for [OWCP medical review] on November 19, 2009.” Appellant’s attorney, in his brief to the Board, contends that this OWCP medical adviser’s report, which recommended a zero percent impairment rating, created a conflict in the medical evidence with Dr. Weiss’ December 6, 2006 report finding that she had a six percent left lower extremity impairment. This referenced report from OWCP’s medical adviser, however, is also not included with the instant record.

The Board, having reviewed the case record submitted by OWCP, finds that the record is incomplete, as it does not contain evidence relevant to the issue at hand. This evidence was referenced in March 23 and October 4, 2010 OWCP decisions and by appellant’s attorney in his appeal to the Board.

Thus, the case file does not include a substantial portion of the record pertaining to the history and development of appellant’s claim, as is required for an informed adjudication of this case. As all the records pertaining to appellant’s claim are necessary for complete consideration and adjudication of the issue raised on appeal, the Board, therefore, finds that the appeal docketed as No. 11-641 is not in posture for a decision as the Board is unable to render an informed adjudication of the case. On remand, OWCP is directed to obtain Dr. Weiss’ December 6, 2006 impairment evaluation for the left lower extremity and OWCP’s medical adviser’s impairment evaluation -- issued in November or December 2009 -- which recommended a zero percent impairment for the left lower extremity.

Accordingly, the October 4, 2010 decision will be set aside and remanded for reconstruction of the record to include the entire case file pertaining to claim number xxxxxx957. After such further development as OWCP deems necessary, it should issue an appropriate decision to protect appellant’s appeal rights.

**IT IS HEREBY ORDERED THAT** the October 4, 2010 decision of the Office of Workers' Compensation Programs be remanded for reconstruction of the case record.

Issued: January 12, 2012  
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