

evidence submitted in support of his request was repetitious in nature and insufficient to warrant review of its prior decision. It did not note receipt or consideration of the September 16, 2010 report. Instead, OWCP advised that no new evidence was submitted with the reconsideration request and that all evidence submitted on reconsideration was previously of record.

The Board finds that OWCP, in its December 29, 2010 decision, did not review the September 16, 2010 report from Dr. Fleig that was received by OWCP on November 30, 2010. For this reason, the case will be remanded to OWCP to enable it to properly consider all the evidence submitted at the time of the December 29, 2010 decision. Following such further development as OWCP deems necessary, it shall issue an appropriate decision on the claim.

IT IS HEREBY ORDERED THAT the December 29, 2010 decision of the Office of Workers' Compensation Programs set aside. The case recorded is remanded to OWCP for further proceedings consistent with this order of the Board.

Issued: January 25, 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