

during altercations caused multiple tears of the bilateral shoulders resulting in tears, arthritis, tendinitis and degeneration. This was received by OWCP on October 4, 2010 and also resubmitted thereafter. In its June 23, 2011 decision, OWCP denied appellant's reconsideration request on the grounds that he neither raised substantive legal questions nor submitted new and relevant evidence to warrant merit review. It did not note receipt or consideration of the September 7, 2010 report from Dr. Ellis.

The Board finds that OWCP, in its June 23, 2011 decision, did not review the September 7, 2010 report from Dr. Ellis that was received by OWCP on October 4, 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 June 23, 2011 decision. Following such further development as OWCP deems necessary, it shall issue an appropriate merit decision on the claim.

IT IS HEREBY ORDERED THAT the June 23, 2011 decision of the Office of Workers' Compensation Programs is set aside. The case recorded is remanded to OWCP for further proceedings consistent with this order of the Board.

Issued: July 27, 2012
Washington, DC

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

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

Patricia Howard Fitzgerald, Judge
Employees' Compensation Appeals Board