



The Board, having duly considered the matter, notes that appellant claims that his bilateral hip disease is the result or a consequence of his June 8, 1987 employment injury.<sup>2</sup> The medical evidence of record includes an April 15, 2010 report, wherein Dr. Michael Hebrard, a Board-certified physiatrist, opined that appellant's ongoing problems in his lumbosacral spine are industrially related. Dr. Hebrard also was of the opinion that, based upon evaluation of appellant, the history provided by him and review of his medical records, that appellant's hip problems are industrially related. He added that the issues of appellant's hips were accelerated by the altered gait from his multiple failed back surgery syndromes which put more flexion on the hip region and subsequently accelerated the degenerative changes of his hips.

By decision dated April 6, 2011, OWCP denied appellant's claim to add bilateral degenerative hip disease to his list of accepted conditions.

In denying appellant's claim for a consequential injury, OWCP discussed the many reports appellant submitted in support of his claim, as well as the review of its medical advisers who opined that the bilateral hip disease was not related to appellant's employment injuries. However, the Board notes that OWCP also did not discuss the report of Dr. Hebrard which is relevant to the issue of whether appellant's claimed bilateral hip disease is causally related to the June 8, 1987 employment injury.

As the Board's decisions are final with regard to the subject matter appealed, it is crucial that OWCP address all relevant evidence received prior to the issuance of its final decision.<sup>3</sup> As OWCP failed to address the report of Dr. Hebrard, the case is remanded for a proper review of the evidence and issuance of an appropriate *de novo* final decision.<sup>4</sup>

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<sup>2</sup> The basic rule respecting consequential injuries is that when the primary injury is shown to have arisen out of and in the course of employment, every natural consequence that flows from the injury likewise arises out of the employment, unless it is the result of an independent intervening cause. *K.R.*, Docket No. 11-391 (issued December 21, 2011). An employee who asserts that a nonemployment-related injury was a consequence of a previous employment-related injury has the burden of proof to establish that such was the fact. *See Kathy A. Kelley*, 55 ECAB 206 (2004); *Carlos A. Marerro*, 50 ECAB 170 (1998).

<sup>3</sup> *See William A. Couch*, 41 ECAB 548, 553 (1990); *see also* 20 C.F.R. § 501.6(d);

<sup>4</sup> *R.I.*, Docket No. 11-1086 (issued November 25, 2011).

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated April 6, 2011 is set aside and the case remanded for further action consistent with this order remanding case.

Issued: June 28, 2012  
Washington, DC

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

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board

Alec J. Koromilas, Alternate Judge  
Employees' Compensation Appeals Board