

The record reveals that on November 17, 2010 appellant sent a mailing to OWCP to “Office of Workers’ Comp, P.O. Box 8300” in London, KY 40742-8300 to the attention of “Jan Miller,” containing medical evidence consisting of the report from Dr. O’Donnell as well as the results of an MRI and EMG/NCV testing. The return receipt (hereinafter the green card) was stamped as received by “Philip Schuler” on November 23, 2010. Additionally, the recipient of the package wrote appellant’s OWCP file number on the green card. As appellant has established receipt by OWCP of these documents, the case will be remanded for OWCP to conduct any necessary further development, including obtaining copies of the missing medical evidence OWCP received on November 23, 2010, to be followed by an appropriate merit decision on appellant’s claim for a schedule award.² Accordingly,

IT IS HEREBY ORDERED THAT the decision of the Office of Workers’ Compensation Programs dated November 25, 2011 is set aside; the case is remanded for further proceedings consistent with this order of the Board.³

Issued: November 29, 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

² The Board notes that on appeal appellant submitted copies of the medical evidence she referenced in her several correspondences to OWCP. Appellant also submitted the results of an additional MRI dated October 21, 2010. As OWCP has not reviewed this evidence, the Board is precluded from doing so for the first time on appeal. *See* 20 C.F.R. § 501.2(c)(1).

³ Appellant requested and confirmed her request for oral argument before the Board. Due to the disposition of the case, the Board in its discretion denies the oral argument as it would only serve to delay the adjudication of this appeal.