

The Board notes that OWCP's November 3, 2011 merit decision did not mention this addendum report. The decision listed the medical evidence OWCP received since the September 20, 2011 decision as follows: "chiropractor reports, ranging in dates from December 17, 2010 to July 19, 2011 (duplicates), and October 13, 2011; medical reports, dated July 27, 2011 (duplicate) and October 18, 2011; a diagnostic report, dated October 14, 2011; and your statement." However, the report dated July 27, 2011 was not a duplicate, as it contained an addendum signed by Dr. Randolph on October 6, 2011. OWCP's December 1, 2011 decision also did not mention the October 6, 2011 addendum report. This decision noted receipt of two statements from appellant, an accident report, third-party information, chiropractic notes from Dr. Valente, a CT of the lumbar spine, and treatment notes from Dr. Randolph dated July 27, 2011 and October 18, 2011.

OWCP has not acknowledged receipt of the October 6, 2011 addendum report from Dr. Randolph, or made any findings regarding this report.

The Board finds that OWCP, in the November 3 and December 1, 2011 decisions did not review the above noted medical report from Dr. Randolph. For this reason, the case will be remanded to OWCP to enable it to properly consider all the evidence submitted prior to these decisions. Following such further development as OWCP deems necessary, it shall issue an appropriate decision on the claim.

IT IS HEREBY ORDERED THAT the December 1 and November 3, 2011 decisions of the Office of Workers Compensation Programs are set aside. The case record is remanded to OWCP for further proceedings consistent with this order of the Board.

Issued: November 13, 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