

The Board has held that this principal applies with equal force when evidence is received by OWCP the same day that a final decision is issued.⁴

On July 30, 2012 OWCP issued its decision denying appellant's claim on the ground that the medical component of fact of injury was not established. On July 30, 2012 OWCP also received July 20, 2012 physical therapy notes and a July 20, 2012 report from Dr. Sukriti Singhal, a general surgeon, who noted that appellant was seen for a follow-up for his work-related injury and diagnosed neck strain, sprain of lumbar region, thoracic or lumbosacral neuritis or radiculitis and back sprain. OWCP's July 30, 2012 decision did not review this evidence received on July 30, 2012. The Board, therefore, must set aside the July 30, 2012 decision of OWCP and remand the case so that OWCP may fully consider the evidence that was properly submitted by appellant prior to the issuance of this decision. Following such further consideration and after such further development as it deems necessary, OWCP shall issue an appropriate merit decision.

IT IS HEREBY ORDERED THAT the July 30, 2012 decision of the Office of Workers' Compensation Programs is set aside and the case remanded for further action consistent with this order of the Board.

Issued: April 25, 2013
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

⁴ *Linda Johnson*, 45 ECAB 439 (1994).