

*Guides to the Evaluation of Permanent Impairment.*³ OWCP received this report on January 20, 2012.

OWCP's February 14, 2012 merit decision did not mention Dr. Wilson's report. The hearing representative's decision specifically stated that no additional medical evidence was submitted. Appellant requested reconsideration of the February 14, 2012 merit decision on March 1, 2012 and resubmitted Dr. Wilson's January 13, 2012 report. In its May 17, 2012 decision, OWCP declined to reopen appellant's claim for consideration of the merits on the grounds that Dr. Wilson's report was considered in the February 14, 2012 decision and was repetitious.⁴

The Board finds that OWCP, in the February 14 and May 17, 2012 decisions, did not review the January 13, 2012 medical report from Dr. Wilson. 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 May 17 and February 14, 2012 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: February 1, 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

³ A.M.A., *Guides*, 6th ed. (2009).

⁴ Section 10.606(b) of the Code of Federal Regulations provide that a claimant may obtain review of the merits of the claim by submitting in writing an application for reconsideration which sets forth arguments or evidence and shows that OWCP erroneously applied or interpreted a specific point of law; or advances a relevant legal argument not previously considered by OWCP; or includes relevant and pertinent new evidence not previously considered by OWCP. 20 C.F.R. § 10.606.