

opportunity to submit any additional evidence or argument relevant to his entitlement to FECA benefits. Following this and any necessary further development, the Director stated that OWCP will issue a *de novo* decision on the issue of whether appellant established that his knee injury was causally related to the accepted April 22, 2009 incident.

The Clerk of the Board served appellant with a copy of the Director's motion to remand.

The Board has duly considered the matter and concludes that, as the Director has acknowledged that OWCP incorrectly determined that appellant was not in the performance of duty on April 22, 2009 and as on remand OWCP will review all the medical evidence in considering the issue of causal relationship and issue a *de novo* decision following any necessary further development, the Director's motion to remand should be granted. Accordingly,

IT IS HEREBY ORDERED THAT the motion to remand filed by the Director of the Office of Workers' Compensation Programs is granted. The decision of OWCP dated May 4, 2012 is set aside; the case is remanded for further proceedings consistent with this order.

Issued: March 12, 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