

and submitted additional medical evidence. This included reports dated July 24 and August 26, 2013 from Dr. Sarah K. Hwang, a Board-certified internist, who noted appellant's history of injury and treatment, examined appellant and provided findings. She provided an opinion with regard to appellant's care and treatment. Dr. Hwang also addressed the requested surgery and denial. These reports were received by OWCP on September 18, 2013. In its September 18, 2013 decision, OWCP denied appellant's reconsideration request on the grounds that he neither raised substantive legal questions nor submitted new and relevant evidence to warrant merit review. It did not note receipt or consideration of the July 24 and August 26, 2013 reports from Dr. Hwang.

The Board finds that OWCP, in its September 18, 2013 decision, did not review the July 24 and August 26, 2013 reports from Dr. Hwang and specifically found that no new medical evidence was submitted.³ For this reason, the case will be remanded to OWCP to enable it to properly consider all the evidence submitted at the time of the September 18, 2013 decision. Following such further development as OWCP deems necessary, it shall issue an appropriate merit decision on the claim.

IT IS HEREBY ORDERED THAT the September 18, 2013 decision of Office of Workers' Compensation Programs is set aside. The case recorded is remanded to OWCP for further proceedings consistent with this order of the Board.

Issued: April 22, 2014
Washington, DC

Richard J. Daschbach, Chief Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

Alec J. Koromilas, Alternate Judge
Employees' Compensation Appeals Board

³ See *Linda Johnson*, 45 ECAB 439, 440 (1994) (where the Board held that it is necessary that OWCP review all evidence submitted by a claimant and received by it prior to issuance of its final decision and noted that this principal applies with equal force when evidence is received by OWCP the same day a final decision is issued).