

**United States Department of Labor  
Employees' Compensation Appeals Board**

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**J.B., Appellant**

**and**

**U.S. POSTAL SERVICE, NORTHERN NEW  
ENGLAND PERFORMANCE CLUSTER,  
Burlington, VT, Employer**

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**Docket No. 13-2057  
Issued: March 5, 2014**

*Appearances:*  
*Appellant, pro se*  
*Office of Solicitor, for the Director*

*Case Submitted on the Record*

**ORDER VACATING DECISION AND REMANDING CASE**

Before:

RICHARD J. DASCHBACH, Chief Judge  
ALEC J. KOROMILAS, Alternate Judge  
MICHAEL E. GROOM, Alternate Judge

The Board issued a decision in this case on February 7, 2014 affirming May 16 and July 25, 2013 decisions of the Office of Workers' Compensation Programs (OWCP). Prior to the issuance of the Board's decision, on February 5, 2014, the Director of OWCP filed a motion to remand the case.

The Board will vacate its decision dated February 7, 2014 and grant the Director's motion to remand.<sup>1</sup> The Director notes that OWCP has received medical evidence which was not before the Board on appeal.<sup>2</sup> As appellant has now submitted medical reports which could not be considered by the Board, the Director asks that the Board remand the matter to OWCP for further development and a new decision regarding whether the newly submitted medical reports

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<sup>1</sup> The Board's *Rules of Procedure* at 20 C.F.R. § 501.6(d) provides that decisions and orders of the Board are final as to the subject matter appealed, and such decisions and orders are not subject to review, except by the Board. The decisions and orders of the Board will be final upon the expiration of 30 days from the date of issuance of the Board's decision. As 30 days have not expired from the issuance of the Board's decision, the Board retains jurisdiction over this appeal.

<sup>2</sup> The Board's review of a case is limited to evidence in the case record that was before OWCP at the time of its final decision. 20 C.F.R. § 501.2(c)(1).

establish this claim. The Board hereby grants the Director's motion and remands the case for further development, to be followed by a merit review.

**IT IS HEREBY ORDERED THAT** the Board's decision dated February 7, 2014 is vacated and this case is remanded to Office of Workers' Compensation Programs for further proceedings to be followed by merit review.

Issued: March 5, 2014  
Washington, DC

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

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

Michael E. Groom, Alternate Judge  
Employees' Compensation Appeals Board