

results of February 20, 2013 imaging reports. Dr. William R. Hearter, a Board-certified radiologist, determined that the radiological examination of the left hip was a normal examination and Dr. Sandra R. Schimel, a Board-certified radiologist, found degenerative changes of the lumbar spine with slight interval progression.

By decision dated March 4, 2013, OWCP denied appellant's claim for the reason that she had not established that the event occurred as described. It also noted that appellant had not submitted medical evidence that established a medical diagnosis in connection with the alleged incident.

The Board notes that, although OWCP indicated in its March 4, 2013 decision that no medical evidence had been received, the case record substantiates that OWCP received medical reports on the date of the March 4, 2013 decision that were not reviewed in the decision. Whether OWCP receives relevant evidence on the date of the decision or several days before, such evidence must be considered.¹ As the Board's decisions are final as to the subject matter appealed, it is crucial that all evidence relevant to the subject matter of the claim properly submitted to OWCP be reviewed and addressed.² Accordingly, the case is remanded for a proper review of the evidence and, following any necessary further development, the issuance of an appropriate final decision.³

¹ *J.I.*, Docket No. 12-1062 (issued December 12, 2012); *William McKennon*, 51 ECAB 145 (1999).

² See *Yvette N. Davis*, 55 ECAB 475 (2004); see also *William A. Couch*, 41 ECAB 548 (1990) (OWCP did not consider new evidence received four days prior to the date of its decision).

³ The record contains a July 3, 2013 decision wherein OWCP reviewed appellant's case on the written record. The hearing representative determined that appellant had established an employment incident. However, after reviewing the medical evidence, OWCP determined that appellant had not met her burden of proof in establishing that any diagnosed condition was causally related to the accepted incident. Accordingly, OWCP affirmed the March 4, 2013 as modified. The Board and OWCP cannot simultaneously exercise jurisdiction over the same issue. See 20 C.F.R. § 501.2(c)(3). An OWCP decision issued while the Board has jurisdiction over the matter in dispute is null and void. See *Lawrence Sherman*, 55 ECAB 35 (2004); *Russell E. Lerman*, 43 ECAB 770 (1992); *Douglas E. Billings*, 41 ECAB 880 (1990). Because OWCP issued its July 3, 2013 decision after the Board had obtained jurisdiction, that decision is null and void.

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated March 4, 2013 is set aside and this case is remanded for further action consistent with this order of the Board.

Issued: May 6, 2014
Washington, DC

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

Patricia Howard Fitzgerald, Judge
Employees' Compensation Appeals Board

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