

OWCP arrived at the amount of the overpayment. Accordingly, the Board set aside OWCP's overpayment decision and remanded the case for further consideration consistent with the decision. The facts as set forth in the Board's prior decision are hereby incorporated by reference.

On June 24, 2011 OWCP made a preliminary determination that appellant was overpaid in the amount of \$3,605.65 because he worked while receiving temporary total compensation. It noted that, for the period August 2007 through January 2009, appellant earned a total of \$9,028.00 at Ritz Camera. OWCP noted that, for this period, appellant received a total of \$43,587.65 in compensation. It determined that the difference between these figures, \$3,605.65, was the amount of the overpayment. OWCP further determined that appellant was with fault in the creation of the overpayment because he received dual benefits.

By letter to OWCP dated May 3, 2013, appellant contended that the deductions from his compensation had not stopped despite the Board's March 18, 2011 decision. He also contended that OWCP has not been in contact with him regarding this matter; that he has been unable to reach the claims examiner; and that he had not received the second preliminary determination until reaching an operator at OWCP on April 15, 2013. Appellant argued that there were still discrepancies in the amount of benefits he should have received following the appeal, the total amount of overpayment and the amount actually paid back to date.

By decision dated July 19, 2013, OWCP finalized its preliminary determination and found that appellant received an overpayment of compensation in the amount of \$3,605.65 for which he was at fault as he knew or should have known he was not entitled to these benefits. In making this decision, OWCP indicated that it had not received a response from appellant to its preliminary decision and that he had not contested the finding.

The Board, having duly considered the matter, notes that OWCP never addressed appellant's letter of May 3, 2013 in its final overpayment decision of July 19, 2013; in fact, OWCP indicated that appellant had not contested its finding of overpayment. As the Board's decisions are final with regard to the subject matter appealed, it is crucial that OWCP address all relevant evidence and argument received prior to the issuance of its final decision.³ In this instance, OWCP erred as it failed to consider appellant's arguments presented in his May 3, 2013 letter.⁴ As it failed to address all relevant evidence and argument before it at the time of its decision, the case is remanded for a proper review and issuance of an appropriate final overpayment decision.

³ 20 C.F.R. § 501.6(d); see *William A. Couch*, 41 ECAB 548, 553 (1990).

⁴ *William McKennon*, 51 ECAB 145 (1999).

IT IS HEREBY ORDERED THAT the July 19, 2013 decision of the Office of Workers' Compensation Programs is set aside, and the case is remanded for further action consistent with this order of the Board.

Issued: September 25, 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