

evidence properly submitted by a claimant and received by OWCP before the final decision is issued. In the present case, OWCP received a February 24, 2014 response from appellant to its January 23, 2014 preliminary overpayment notice in which he requested a telephonic conference to address waiver of the overpayment. Appellant also submitted a cover letter in which he requested waiver of the overpayment due to financial hardship.

While OWCP is not required to list every piece of evidence submitted to the record, the record is clear that the statement and financial documents appellant submitted, received by OWCP on February 24, 2014, were not reviewed. In its February 25, 2014 decision, OWCP finalized the January 23, 2014 preliminary determination that an overpayment had occurred and denied waiver of the overpayment. It stated that no response had been received to the preliminary decision when in fact the record reflects that OWCP received appellant's response on February 24, 2014. For this reason, the case will be remanded to OWCP to enable it to properly consider appellant's response and all the evidence submitted prior to the issuance of the February 25, 2014 decision. Following further development as the OWCP deems necessary, it shall issue an appropriate decision on the merits.

IT IS HEREBY ORDERED THAT the February 25, 2014 decision of the Office of Workers' Compensation Programs is set aside; the case record is remanded to OWCP for further proceedings consistent with this order of the Board.

Issued: September 26, 2014
Washington, DC

Christopher J. Godfrey, Chief Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

Patricia Howard Fitzgerald, Judge
Employees' Compensation Appeals Board