



how her injury resulted in the condition diagnosed. OWCP also requested that appellant clarify as to whether she was claiming an occupational disease or a traumatic injury.

Appellant submitted three reports signed by a nurse practitioner. She also submitted another document containing recommendations on returning to work and transcription notes dated January 28, 2014, signed by the same nurse.

In a report dated February 10, 2014, Dr. David C. Ritzow, a Board-certified orthopedist, diagnosed appellant with right foot plantar fasciitis. He stated that appellant was seen on that day for her right foot, and that she had noted improvement in her symptoms. Dr. Ritzow submitted a document containing his recommendations on appellant's return to work, noting a date of injury of December 9, 2013. He checked a box indicating that the injury was work-related and provided diagnoses of right foot plantar fasciitis, mild tendinitis anterior to the tibial tendon, mild synovitis and an unnamed condition of the flexor hallucis longus (FHL).

By letter dated February 24, 2014, appellant responded to OWCP's inquiries. She explained that on December 9, 2013 she went to work at the employing establishment to perform her eight-mile walking route. Appellant noted that it was snowing on that day, and that she wore boots. After three hours of walking, her right foot began to hurt. She stated that she did not step incorrectly or fall, but that she had been walking in the same manner that she usually did. Appellant noted that she had never had any problems with her feet before other than that they were tired at the end of the day. She took her boots off and put on tennis shoes, which did not help with the pain. The next day, appellant stated that she saw a physician in order to determine the nature of the pain, who told her that she had a bone spur and to take over-the-counter pain medication. Appellant continued to work for the next two weeks. On December 19, 2013 her foot became so sore that she could not finish her route. The next day, she saw Dr. Ritzow, whose assistant told her that her injury appeared to be a stress fracture. Appellant stated that she had an magnetic resonance imaging scan, which determined that she had tendinitis, and attended physical therapy. She explained that her claim was originally filed as a traumatic injury because she thought it was a stress fracture, but that as her diagnosis was tendinitis, it should have been submitted as an occupational disease claim.

By decision dated February 28, 2014, OWCP denied appellant's claim. It found that she had not identified a cause of injury, and that the medical evidence was insufficient to establish that a diagnosed condition was causally related to an injury. OWCP noted that the evidence received from appellant included return to work slips and a report signed by a nurse, physical therapy notes and Dr. Ritzow's February 10, 2014 report.

The Board has held that OWCP must review all evidence submitted by a claimant and received by it prior to the issuance of a final decision, including evidence received on the date of the decision.<sup>1</sup> Since Board decisions are final as to the subject matter appealed,<sup>2</sup> it is crucial that all of the evidence relevant to that subject matter, which was properly submitted to OWCP prior

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<sup>1</sup> *Linda Johnson*, 45 ECAB 439 (1994).

<sup>2</sup> 20 C.F.R. § 501.6(c).

to the time of issuance of its final decision, be addressed by OWCP.<sup>3</sup> In its February 28, 2014 decision, OWCP did not consider appellant's February 24, 2014 statement responding to its inquiries, which was received on February 28, 2014. As OWCP failed to address all the relevant evidence of record at the time it issued its February 28, 2014 decision, the case is remanded for a proper review of the evidence and issuance of an appropriate final decision.<sup>4</sup>

**IT IS HEREBY ORDERED THAT** the February 28, 2014 decision of the Office of Workers' Compensation Programs is set aside, and the case record remanded to OWCP for further proceedings consistent with this order of the Board.

Issued: September 29, 2014  
Washington, DC

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

Patricia Howard Fitzgerald, Judge  
Employees' Compensation Appeals Board

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

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<sup>3</sup> *William A. Couch*, 41 ECAB 548 (1990).

<sup>4</sup> *See A.B.*, Docket No. 12-1907 (issued May 13, 2013).