

In its May 30, 2014 decision, OWCP stated, “The evidence reviewed in support of your reconsideration request includes the following new evidence. Along with your reconsideration request we received your written statement in which you give your reasons as to why you disagreed with the previous decision. In the statement you provided a breakdown of medical reports to support your contention on the issue of causal relationship. In addition you provided a new medical report dated January 17, 2014 from Dr. Hebrard and a medical report dated December 17, 2013. [OWCP] reviewed both new medical reports as new evidence from Dr. Hebrard.”

While OWCP is not required to list every piece of evidence submitted to the record, the record is clear that Dr. Hebrard’s February 13, April 10, and 28 reports were not reviewed before the issuance of its May 30, 2014 decision. Whether it receives relevant evidence on the date of the decision or several days before, such evidence must be considered.² In this case, each of these reports was received well in advance of OWCP’s May 30, 2014 decision. 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.³ Accordingly, the case is remanded for proper review of the evidence and, following any necessary further development, the issuance of an appropriate final decision.

IT IS HEREBY ORDERED THAT the decision of the Office of Workers’ Compensation Programs dated May 30, 2014 is set aside and the case remanded for further action consistent with this order of the Board.

Issued: February 3, 2015
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

² *J.I.*, Docket No. 12-1062 (issued December 12, 2012); *William McKennon*, 51 ECAB 145 (1999).

³ *See Yvette N. Davis*, 55 ECAB 475 (2004).