



June 11, 2015, appellant's counsel requested reconsideration and submitted a May 26, 2015 medical report. By decision dated December 1, 2015, OWCP denied reconsideration without considering the report. It noted that the only evidence received on reconsideration was a letter from counsel.

Board precedent holds that OWCP must review all the evidence submitted by a claimant and received by OWCP prior to the issuance of a final decision.<sup>3</sup> As the Board's jurisdiction is final as to the subject matter, it is crucial that OWCP accomplish this.<sup>4</sup>

Because the OWCP made no mention of any new evidence in denying appellant's request for a merit review, it is clear to this Board that OWCP did not consider the evidence submitted by appellant in reaching its decision denying merit review. The May 26, 2015 report was received by OWCP on June 11, 2015. As OWCP did not consider the May 26, 2015 report, the Board concludes that the case must be remanded for review of this evidence. Following any further necessary development, OWCP shall issue an appropriate decision to protect appellant's rights to future appeals.

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated December 1, 2015 is set aside and the case remanded for further action consistent with this order of the Board.

Issued: July 18, 2016  
Washington, DC

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

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge  
Employees' Compensation Appeals Board

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<sup>3</sup> See *M.B.*, Docket No. 09-176 (issued September 23, 2009); *Yvette N. Davis*, 55 ECAB 475 (2004); *Linda Johnson*, 45 ECAB 439 (1994) (evidence received the same day as the issuance of OWCP's decision); *William A. Couch*, 41 ECAB 548 (1990); 20 C.F.R. § 501.6(c).

<sup>4</sup> See *id.*