

In a September 30, 2015 decision, OWCP denied appellant's claim as the medical evidence did not establish a causal relationship between her left shoulder and left elbow conditions, and the accepted employment incident. It explained that medical evidence in the claim was from a physician assistant, nurse practitioner, or physical therapists who were not physicians as defined by FECA. OWCP noted that no further evidence was received in response to its August 27, 2015 request for additional medical evidence.

The Board finds that OWCP, in its September 30, 2015 decision, did not review the medical records appellant submitted that were received on the same date as its decision.² In that submission, appellant provided a response to OWCP's request for medical evidence regarding her claim. For this reason, the case will be remanded to OWCP to enable it to properly consider all the evidence submitted at the time of the September 30, 2015 decision. Following such further development as OWCP deems necessary, it shall issue a *de novo* decision on appellant's claim.

IT IS HEREBY ORDERED THAT the September 30, 2015 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded to OWCP for further proceedings consistent with this order of the Board.

Issued: March 10, 2016
Washington, DC

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

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

² See *M.B.*, Docket No. 09-17 (issued September 23, 2009); *Yvette N. Davis*, 55 ECAB 475 (2004); *Linda Johnson*, 45 ECAB 439, 440 (1994) (evidence received the same day on which OWCP issues its final decision must be considered).