

Section 501.2(c) of the Board's *Rules of Procedure*,³ provides that the Board has jurisdiction "to consider and decide appeals from the final decision of OWCP in any case arising under the [Federal Employees Compensation] Act."⁴ Additionally, the Board's review of the case is limited to the evidence which was before OWCP at the issuance of the final decision.⁵ Since the record as transmitted to the Board does not contain evidence that OWCP relied upon in reaching its final decisions, the Board is unable to properly "consider and decide" appellant's claim. Furthermore, OWCP procedures provide that cases should be combined where correct adjudication depends on cross-referencing between files.⁶ The June 30, 2016 decision of OWCP must be set aside and the case remanded to OWCP for reconstruction and proper assemblage of the case record including combining all the files relied upon by OWCP's hearing representative. Following this and such further development as OWCP deems necessary, OWCP shall issue a *de novo* decision. According,

IT IS HEREBY ORDERED that the June 30, 2016 decision of the Office of Workers' Compensation Programs is hereby set aside and the case remanded for further proceedings consistent with this order of the Board.

Issued: March 23, 2017
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

³ 20 C.F.R. § 501.2(c).

⁴ 5 U.S.C. §§ 8101-8193.

⁵ *See* 20 C.F.R. § 501.2(c)(1).

⁶ *See* Federal (FECA) Procedure Manual, Part 2 -- Claims, *File Maintenance and Management*, Chapter 2.400.8(c) (February 2000).