

the activities shown on the surveillance video. Dr. Langa submitted an August 5, 2016 report based, in part, on a review of the case record, which included the three surveillance video discs. OWCP terminated appellant's wage-loss compensation benefits, effective October 4, 2016, based on Dr. Langa's August 5, 2016 opinion as the weight of the medical evidence. In the June 16, 2017 decision, an OWCP hearing representative affirmed the October 4, 2016 decision. The three surveillance video discs, however, are not included in the case record transmitted to the Board.

Section 501.2(c) of the Board's *Rules of Procedure*,² provides that the Board has jurisdiction "to consider and decide appeals from final decisions of OWCP in any case arising under the [Federal Employees' Compensation] Act."³ Additionally, the Board's review of the case is limited to the evidence which was before OWCP at the issuance of the final decision.⁴ Since the record as transmitted to the Board does not contain evidence that OWCP relied upon in reaching its final decision, the Board is unable to properly "consider and decide" appellant's claim. The June 16, 2017 decision of OWCP, therefore, must be set aside. The case is remanded to OWCP for reconstruction and proper assemblage of the case record including obtaining the three above-referenced surveillance video discs. Following this and such further development as OWCP deems necessary, OWCP shall issue a *de novo* decision. Accordingly,

IT IS HEREBY ORDERED THAT the June 16, 2017 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further proceedings consistent with this order of the Board.

² 20 C.F.R. § 501.2(c).

³ 5 U.S.C. §§ 8101-8193.

⁴ See 20 C.F.R. § 501.2(c)(1).

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Washington, DC

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

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

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