

decision remains in an interlocutory posture, the June 28, 2017 non-merit decision is also in an interlocutory posture. Thus, this case is not in posture for a decision by the Board.¹ On return of the case record, OWCP should comply with the order of the hearing representative. Following this and such other development as deemed necessary, OWCP shall issue an appropriate merit decision on the claim.

IT IS HEREBY ORDERED THAT the June 28, 2017 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further action consistent with this decision of the Board.

Issued: September 13, 2018
Washington, DC

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

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

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

¹ Because OWCP has not appropriately developed the issue of whether appellant was capable of working full duty as directed by its hearing representative prior to issuing its December 14, 2016 merit decision that matter is in an interlocutory posture. *See* 20 C.F.R. § 501.2(c)(2) which provides, "The Board has jurisdiction to consider and decide appeals from final decisions of OWCP in any case arising under FECA. The Board may review all relevant questions of law, fact, and exercises of discretion (or failure to exercise discretion) in such cases.... There will be no appeal with respect to any interlocutory matter decided (or not decided) by OWCP during the pendency of a case." *See also* C.D., Docket No. 17-1357 (issued May 4, 2018).