

The Board has duly considered the matter and notes that, in the case of *William A. Couch*,² it held that when adjudicating a claim, OWCP is obligated to consider all evidence properly submitted by a claimant and received by OWCP before the final decision is issued.

By decision dated October 12, 2016, OWCP accepted appellant's December 4, 2015 claim for right shoulder calcific tendinitis.³ On December 27, 2016 appellant filed a notice of recurrence (Form CA-2a) alleging that commencing December 14, 2016, she sustained a recurrence of total disability due to her accepted right shoulder condition.

The record reflects that on February 28, 2017 appellant underwent a right shoulder arthroscopic procedure which included decompression, partial claviclectomy, extensive debridement of the glenohumeral joint, and debridement of the labrum and partial rotator cuff tears. OWCP had not authorized the procedure at the time it was performed.

By decision dated May 26, 2017, OWCP denied appellant's claim for recurrence of disability. It noted that appellant had undergone the February 28, 2017 arthroscopic procedure, but found that the evidence was insufficient to establish that her current conditions were causally related to the accepted employment injury. On October 31, 2017 OWCP authorized the February 28, 2017 arthroscopic procedure.

On May 1, 2018 appellant, through counsel, requested reconsideration of OWCP's May 26, 2017 decision.

In its July 30, 2018 decision, OWCP denied modification of appellant's claim, finding that the medical evidence of record failed to provide a well-rationalized medical opinion that appellant's accepted conditions worsened to the point that she became disabled from work commencing December 16, 2016 and continuing. In this decision OWCP did not acknowledge that it had accepted appellant's February 28, 2017 arthroscopic procedure on October 31, 2017, which is subsequent to its May 26, 2017 decision.

The record is clear that in its July 30, 2018 decision OWCP did not address the evidence of record documenting its October 31, 2017 authorization of the February 28, 2017 right shoulder arthroscopic procedure and therefore it has not addressed whether this accepted procedure established a period of total disability after December 16, 2016. As the Board's decisions are final as to the subject matter appealed, it is crucial that all evidence relevant to the subject matter of the claim properly submitted to OWCP be reviewed and addressed.⁴ Therefore, the case will be remanded to OWCP for proper review of the evidence, including documentation of the acceptance

² 41 ECAB 548 (1990).

³ On December 4, 2015 appellant, then a 45-year-old rural carrier, filed an occupational disease claim (Form CA-2) alleging that on December 1, 2015 she sustained a right shoulder injury due to repetitive motions required in the performance of her federal employment. By decision dated March 10, 2016, OWCP initially denied appellant's claim finding that she did not submit sufficient evidence to establish that her medical condition was causally related to the accepted factors of her federal employment. On August 15, 2016 appellant requested reconsideration of OWCP's March 10, 2016 decision and submitted additional evidence. By decision dated October 12, 2016, OWCP vacated the March 10, 2016 decision and approved appellant's occupational disease claim.

⁴ *Supra* note 2; *see also B.H.*, Docket No. 17-0787 (issued July 6, 2018); *see Yvette N. Davis*, 55 ECAV 475 (2004).

of the surgical procedure, and following any necessary further development it shall issue a *de novo* decision. Accordingly,

IT IS HEREBY ORDERED THAT the July 30, 2018 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further action consistent with this order of the Board.

Issued: August 15, 2019
Washington, DC

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

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board