

side of the claim form, the employing establishment indicated that she stopped work on February 1, 2018.

In an April 24, 2018 development letter, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence necessary to establish her claim and attached a questionnaire for her completion. OWCP afforded appellant 30 days to submit the requested evidence.

In a separate April 24, 2018 development letter to the employing establishment, OWCP requested additional information about appellant's claim. It afforded the employing establishment 30 days to submit the requested evidence.

By decision dated August 16, 2018, OWCP denied appellant's emotional condition claim, finding that the evidence of record was insufficient to establish a compensable employment factor.

Appellant thereafter contacted OWCP on August 20, 2018 and advised that her medical provider would release her medical records and she disputed an investigative report of January 10, 2018.

On August 13, 2019 appellant, through counsel, requested reconsideration. Counsel submitted a letter brief in which he argued that appellant had established a compensable factor of employment related to stress from the performance of her employment duties.

Appellant subsequently submitted additional evidence, including a September 27, 2017 witness statement from L.O., an employee at the employing establishment, a July 3, 2018 letter from the Georgia Board of Nursing to appellant regarding an investigation, and documentation related to appellant's alleged forged signature.

By decision dated November 6, 2019, OWCP denied appellant's request for reconsideration of the merits of her claim pursuant to 5 U.S.C. § 8128(a). It related that the evidence it reviewed in support of reconsideration included an August 13, 2019 reconsideration letter from appellant's counsel and appellant's August 20, 2018 statement.

The Board has duly considered the matter and finds that the case is not in posture for a decision. In the case of *William A. Couch*,² the Board 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.

In its November 6, 2019 decision, OWCP indicated only that the evidence reviewed in support of appellant's reconsideration request included an August 13, 2019 reconsideration letter from her counsel and appellant's August 20, 2018 statement. However, appellant also submitted a September 27, 2017 witness statement from L.O., an employee at the employing establishment, a July 3, 2018 letter from the Georgia Board of Nursing to appellant regarding an investigation, and documentation related to appellant's alleged forged signature.

² 41 ECAB 548 (1990); *see also R.D.*, Docket No. 17-1818 (issued April 3, 2018).

It is crucial that OWCP addresses all relevant evidence received prior to the issuance of its final decision, as the Board's decisions are final with regard to the subject matter appealed.³ The Board finds that this case is not in posture for decision, as OWCP did not address the above-noted evidence in its November 6, 2019 decision.⁴ On remand, following any further development as deemed necessary, OWCP shall issue an appropriate decision.

IT IS HEREBY ORDERED THAT the November 6, 2019 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: November 10, 2020
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Alternate Judge
Employees' Compensation Appeals Board

³ See *C.S.*, Docket No. 18-1760 (issued November 25, 2019); *Yvette N. Davis*, 55 ECAB 475 (2004); see also *William A. Couch*, *id.*

⁴ See *V.C.*, Docket No. 16-0694 (issued August 19, 2016).