

² The Board notes that, following the March 29, 2021 decision, appellant submitted additional evidence to OWCP. However, the Board's *Rules of Procedure* provides: "The Board's review of a case is limited to the evidence in the case record that was before OWCP at the time of its final decision. Evidence not before OWCP will not be considered by the Board for the first time on appeal." 20 C.F.R. § 501.2(c)(1). Thus, the Board is precluded from reviewing this additional evidence for the first time on appeal. *Id.*

period. She noted that she first became aware of her condition and realized its relation to her federal employment on May 25, 2020. Appellant stopped work on June 3, 2020.

By decision dated October 22, 2020, OWCP denied appellant's occupational disease claim, finding that the medical evidence of record was insufficient to establish that her right shoulder condition was causally related to the accepted factors of her federal employment.

By decision dated March 29, 2021, OWCP denied appellant's claim that she developed a right shoulder condition causally related to the accepted factors of her federal employment.

On February 23, 2022 the Director of OWCP filed a motion to remand. The Director noted that appellant submitted substantial evidence in support of her claim to raise an uncontroverted inference of causal relationship between her diagnosed rotator cuff injury of the right shoulder and the repetitive movements involved in her job as a mail carrier. The Director requested that the Board set aside the March 29, 2021 decision and remand the case to OWCP for further development of the medical evidence.

The Clerk of the Appellate Boards served appellant and counsel with a copy of the Director's motion to remand on March 1, 2022. On March 9, 2022, counsel for appellant, filed a response concurring in the Director's motion to remand.

The Board, having duly considered this matter, concludes that for the reasons espoused in the Director's motion, the motion should be granted. On remand OWCP shall conduct any necessary further development to be followed by a *de novo* decision on the issue of whether appellant has met her burden of proof to establish a right shoulder condition causally related to the accepted factors of her federal employment. Accordingly,

IT IS HEREBY ORDERED THAT the motion to remand filed by the Director of the Office of Workers' Compensation Programs is granted. The March 29, 2021 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.

Issued: June 23, 2022
Washington, DC

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

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

A handwritten signature in cursive script, appearing to read "J. D. McGinley".

James D. McGinley, Alternate Judge
Employees' Compensation Appeals Board