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E.A., Appellant)	
)	
and)	
)	Docket No. 23-0199
)	Issued: February 22, 2023
DEPARTMENT OF HOMELAND SECURITY,)	
U.S. CUSTOMS AND BORDER PROTECTION,)	
U.S. BORDER PATROL, Brownsville, TX,)	
Employer)	
)	

Case Submitted on the Record

Before:
PATRICIA H. FITZGERALD, Deputy Chief Judge
VALERIE D. EVANS-HARRELL, Alternate Judge
JAMES D. MCGINLEY, Alternate Judge

On December 14, 2022 the Director of OWCP filed a motion to remand with the Clerk of the Appellate Boards. The Director noted that OWCP failed to consider appellant's statement correcting the date of injury from August 5, 2020 to August 5, 2022, which had been confirmed by the employing establishment. The Director further noted that appellant had submitted the correction prior to the issuance of the August 29, 2022 decision. The Director also acknowledged that, under the facts and circumstances of this case, "where it appears that appellant's date of injury was on 'August 5, 2022' and not '2020', appellant's claim was filed within 30 days of his date of injury entitling him to COP." Consequently, the Director requested that the Board set aside OWCP's August 29, 2022 decision and remand the case to OWCP. On remand, the Director indicated that OWCP will issue a *de novo* decision on appellant's entitlement to COP for exposure to COVID-19 in the performance of duty, "and authorize the payment of appropriate benefits as claimed by appellant."

The Clerk of the Appellate Boards served appellant with a copy of the Director's motion to remand on December 15, 2022. No reply was received.

The Board, having duly considered this matter, grants the Director's motion. On remand, OWCP shall further develop the case as set forth in the Director's motion to remand, to be followed by the issuance of a *de novo* decision. Accordingly,

IT IS HEREBY ORDERED THAT the motion to remand filed by the Director of the Office of Workers' Compensation Programs is granted. The August 29, 2022 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: February 22, 2023
Washington, DC

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

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

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