



On December 8, 2021 appellant filed a claim for compensation (Form CA-7) for temporary total disability from work for the period November 22 through December 3, 2021. She submitted a November 21, 2021 duty status report (Form CA-17) and a November 21, 2021 work status form report from Dr. Jeffrey J. Munoz, a Board-certified family practitioner, which indicated that she was disabled from work for the period November 22 through December 20, 2021.

In a December 14, 2021 development letter, OWCP noted its receipt of appellant's CA-7 form claiming compensation effective November 22, 2021 and continuing and that the evidence of record indicated that she had not returned to work following her November 22, 2021 work stoppage despite a light/limited-duty assignment being available within her medical restrictions with the employing establishment for the period of claimed lost time. It advised appellant that she should submit medical evidence which contained a well-rationalized medical explanation with objective findings which supported disability or a worsening of her condition such that she was no longer able to perform the duties of her light/limited-duty assignment when she stopped work on November 22, 2021. OWCP afforded her 30 days to submit the requested information.

OWCP received an additional Form CA-7 claim for disability from work for the period December 4 through 20, 2021 along with medical reports from Dr. Munoz dated December 20, 2021 through January 3, 2022.

On January 19, 2022 OWCP also received a January 14, 2022 narrative report from Dr. Munoz. Dr. Munoz noted the history of the May 12, 2016 work-related injury, that appellant had been able to return to her job as a mail carrier with permanent restrictions of no lifting or carrying more than 10 pounds. He indicated that when appellant was seen on November 21, 2021, she had a flareup in swelling, decreased motion due to swelling, pain, increased tingling and numbness and that, apparently, there was an increase in the volume of mail and packages before the visit. Dr. Munoz reported his examination findings and indicated that, due to those objective findings and subjective history, appellant was placed off work to stop use of her left hand other than for activities of daily living. He further offered an explanation as to why light-duty tasks would not have accomplished the desired result and why she was continued off work through January 3, 2022, when he released her back to work with continued permanent restrictions of no lifting or carrying more than 10 pounds.

By decision dated February 4, 2022, OWCP denied appellant's claim for disability from work for the period commencing November 22, 2021.

The Board has duly considered the matter and finds that this case is not in posture for decision. In the case of *William A. Couch*,<sup>2</sup> the Board held that when adjudicating a claim, OWCP is obligated to consider and address all evidence properly submitted by a claimant and received by OWCP before the final decision is issued.

While OWCP is not required to list every piece of evidence submitted to the record, the record is clear that Dr. Munoz' January 14, 2022 medical report was not referenced or reviewed

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

by OWCP in its February 4, 2022 decision.<sup>3</sup> Its February 4, 2022 decision indicated that appellant did not provide a detailed medial narrative report from a medical doctor with objective findings as to how her work-related medical conditions worsened and that the medical reports received were last submitted on January 18, 2022. Dr. Munoz' January 14, 2022 medical report was received on January 19, 2022, prior to the issuance of OWCP's February 4, 2022 decision.

It is crucial that OWCP review and address all evidence received prior to the issuance of its final decision, as the Board's decisions are final with regard to the subject matter appealed.<sup>4</sup> The Board finds that this case is not in posture for decision as OWCP did not review and address the above-noted evidence in its February 4, 2022 decision.<sup>5</sup> On remand OWCP shall review and address all evidence of record and, following any further development as it deems necessary, it shall issue a *de novo* decision. Accordingly,

**IT IS HEREBY ORDERED THAT** the February 4, 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: January 13, 2023  
Washington, DC

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

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

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

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<sup>3</sup> See *N.M.*, Docket No. 21-0357 (issued September 30, 2022); *C.D.*, Docket No. 20-0168 (issued March 5, 2020).

<sup>4</sup> *N.M.*, *id.*; see *C.S.*, Docket No. 18-1760 (issued November 25, 2019); *Yvette N. Davis*, 55 ECAB 475 (2004); see also *William A. Couch*, *supra* note 2.

<sup>5</sup> *N.M.*, *id.*; *V.C.*, Docket No. 16-0694 (issued August 19, 2016).