United States Department of Labor Employees' Compensation Appeals Board

T.K., Appellant))) Docket No. 25-0443) Issued: May 7, 2025
U.S. POSTAL SERVICE, STEDMAN POST OFFICE, Stedman, NC, Employer))) _)
Appearances: Appellant, pro se Office of Solicitor, for the Director	Case Submitted on the Record

ORDER REMANDING CASE

Before:

PATRICIA H. FITZGERALD, Deputy Chief Judge JANICE B. ASKIN, Judge VALERIE D. EVANS-HARRELL, Alternate Judge

On March 28, 2025 appellant filed a timely appeal from a December 27, 2024 merit decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards assigned the appeal Docket No. 25-0443.

On October 6, 2024 appellant, then a 55-year-old rural carrier, filed an occupational disease claim (Form CA-2) alleging that she developed a complete right rotator cuff tear due to factors of her federal employment. She attributed her condition to overuse, repetitive reaching into low mailboxes, lifting and shifting heavy packages, team lifting heavy packages, and a December 2023 incident when she attempted to catch a falling heavy package. Appellant noted that she first became aware of her claimed condition on January 12, 2023, and realized its relationship to her federal employment on December 12, 2023. She stopped work on January 12, 2023 and returned to work on January 17, 2023.

Appellant submitted evidence in support of her claim.

OWCP subsequently received information from the employing establishment. In a November 7, 2024 statement, the employing establishment noted that appellant cased, pulled down, and loaded mail, opened mailboxes, and dismounted her vehicle to deliver parcels. Physical requirements included sorting, lifting and pushing moderate to heavy loads of mail and packages.

The employing establishment also provided appellant's official position description. The listed duties included casing, delivering, and collecting mail along a prescribed rural route using a vehicle, loading mail into the vehicle, and collecting mail from customers' roadside mailboxes.

By decision dated December 27, 2024, OWCP denied appellant's occupational disease claim, finding that the evidence of record was insufficient to establish the implicated employment factors, as no corroborative evidence had been provided to establish that the events occurred in the manner alleged. It concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

The Board finds that this case is not in posture for decision.

In the case of *William A. Couch*, ¹ 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, the Board notes that the employing establishment's November 7, 2024 statement describing appellant's job duties, and the attached official position description, were not considered and addressed by OWCP in the December 27, 2024 decision.²

It is crucial that OWCP consider and address all evidence received prior to the issuance of its final decision, as Board 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 consider and address the above-noted evidence in the December 27, 2024 decision.⁴ On remand, OWCP shall review all of the evidence submitted. Following this, and other such further developments as deemed necessary, it shall issue an appropriate decision. Accordingly,

¹ 41 ECAB 548 (1990); *see J.R.*, Docket No. 21-1421 (issued April 20, 2022); *see also R.D.*, Docket No. 17-1818 (issued April 3, 2018).

² Order Remanding Case, A.H., Docket No. 25-0169 (issued January 2, 2025); see C.D., Docket No. 20-0168 (issued March 5, 2020).

 $^{^3}$ 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 1.

⁴ Order Remanding Case, A.H., supra note 2; see Order Remanding Case, L.G., Docket No. 23-0637 (issued September 15, 2023).

IT IS HEREBY ORDERED THAT the December 27, 2024 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: May 7, 2025 Washington, DC

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

> Janice B. Askin, Judge Employees' Compensation Appeals Board

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