

**United States Department of Labor  
Employees' Compensation Appeals Board**

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C.B., Appellant

and

U.S. POSTAL SERVICE, NORTH TEXAS-  
COPPELL POST OFFICE, Coppel, TX,  
Employer

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**Docket No. 26-0180  
Issued: April 17, 2026**

*Appearances:*  
*Appellant, pro se*  
*Office of Solicitor, for the Director*

*Case Submitted on the Record*

**ORDER REMANDING CASE**

Before:

ALEC J. KOROMILAS, Chief Judge  
PATRICIA H. FITZGERALD, Deputy Chief Judge  
VALERIE D. EVANS-HARRELL, Alternate Judge

On December 12, 2025, appellant filed a timely appeal from a December 1, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP).<sup>1</sup> The Clerk of the Appellate Boards docketed the appeal as No. 26-0180.

On April 20, 2022, appellant, then a 43-year-old Express Mail technician, filed a traumatic injury claim (Form CA-1) alleging that on April 19, 2022 he injured his left arm, neck, and left leg when he was involved in a motor vehicle accident while in the performance of duty. He stopped work on the date of injury. OWCP accepted the claim for sprain of ligaments of lumbar spine, initial encounter; strain of muscle, fascia, and tendon of lower back, initial encounter; radiculopathy, cervical region; sprain of ligaments of cervical spine, initial encounter; and strain of muscle, fascia, and tendon at neck level, initial encounter.

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<sup>1</sup> Appellant submitted a timely request for oral argument before the Board, explaining his disagreement with OWCP's decision. 20 C.F.R. § 501.5(b). Pursuant to the Board's *Rules of Procedure*, oral argument may be held in the discretion of the Board. 20 C.F.R. § 501.5(a). The Board, in exercising its discretion, denies appellant's request for oral argument because this matter pertains to an evaluation of the weight of the medical evidence presented. As such, the arguments on appeal can be adequately addressed in a decision based on a review of the case record. Oral argument in this appeal would not serve a useful purpose. Therefore, the oral argument request is denied, and this decision is based on the case record as submitted to the Board.

On October 8, 2025, appellant filed a claim for compensation (Form CA-7) for disability from work for the period September 16 through October 3, 2025.

OWCP subsequently received a follow-up note, an attending physician's report (Form CA-20), and a duty status report (Form CA-17) all dated October 14, 2025, wherein Dr. Gregory Gardner, an attending Board-certified family medicine and osteopathic manipulative medicine specialist, advised that appellant was partially disabled commencing May 11, 2022, and his anticipated date of return to full-duty work was November 11, 2025. In the October 14, 2025 Form CA-17, he advised that appellant was unable to perform his regular work and listed his work restrictions.

OWCP, in a development letter dated October 21, 2025, advised appellant of the deficiencies of his disability claim. It further advised him of the additional medical evidence needed to establish his claim and afforded him 30 days to submit the necessary evidence.

On October 29, 2025, OWCP received additional medical evidence. In an October 1, 2025 lumbar spine magnetic resonance imaging (MRI) scan report, Dr. Narayana Mamillapalli, a Board-certified diagnostic radiology and neuroradiology specialist, provided an impression of multilevel extensive lumbar spondylosis at each level described in his report.

In a report dated October 28, 2025, Dr. Don A. Enty, an attending Board-certified anesthesiologist assessed back pain and long term (current) use of opiate analgesic. He provided additional assessments of radiculopathy, lumbar region; other spondylosis, cervicothoracic region; and cervicalgia.

On November 11, 2025, OWCP received a September 2, 2025 report, wherein Dr. Enty noted that appellant had received an epidural steroid injection to treat his accepted diagnosed condition of cervical radiculopathy.

On November 12, 2025, OWCP continued to receive medical evidence. In a Form CA-20, Form CA-17, and follow-up note dated November 11, 2025, Dr. Gardner reiterated his prior diagnoses. He also reiterated his prior opinion that the diagnosed conditions were caused or aggravated by appellant's April 19, 2022 employment injury. In the Form CA-17, Dr. Gardner advised that appellant was unable to perform his regular work, but he could resume work with restrictions listed in his report. In the Form CA-20 he again advised that appellant was partially disabled commencing May 11, 2022. Dr. Gardner indicated that his anticipated return to full-duty work was December 17, 2025.

On November 15, 2025, appellant filed an additional Form CA-7 claiming compensation for disability from work for the period October 16 through 17, 2025.

By decision dated December 1, 2025, OWCP denied appellant's claim for disability from work commencing September 16, 2025. It noted that "we have not received any additional evidence in response to the development letter dated [October 21, 2025]."

The Board, having duly considered this matter, finds that the 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.

In its December 1, 2025 decision, OWCP found that appellant submitted no additional evidence in response to the development letter dated [October 21, 2025].” However, it did not consider and address the additional medical evidence from Drs. Enty, Gardner, and Mamillapalli dated September 2 through November 11, 2025.<sup>3</sup> As such, it failed to follow its procedures by properly reviewing and discussing all the evidence of record.<sup>4</sup> It is crucial that it consider and address all evidence relevant to the subject matter properly submitted prior to the issuance of its final decision, as the Board’s decisions are final with regard to the subject matter appealed.<sup>5</sup>

The Board thus finds that this case is not in posture for decision as OWCP did not consider and address evidence submitted by appellant in support of his claim for disability compensation.<sup>6</sup> On remand, OWCP shall review all evidence of record and, following any further development as deemed necessary, it shall issue a *de novo* decision. Accordingly,

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<sup>2</sup> 41 ECAB 548 (1990); *see also Order Remanding Case, D.O.*, Docket No. 25-0050 (issued December 20, 2024); *Order Remanding Case, P.B.*, Docket No. 24-0368 (issued May 22, 2024); *Order Remanding Case, A.D.*, Docket No. 22-0519 (issued January 11, 2023); *Order Remanding Case, A.B.*, Docket No. 22-0179 (issued June 28, 2022); *Order Remanding Case, S.H.*, Docket No. 19-1582 (issued May 26, 2020); *R.D.*, Docket No. 17-1818 (issued April 3, 2018).

<sup>3</sup> *See Order Remanding Case, S.J.*, Docket No. 25-0574 (issued August 7, 2025); *Order Remanding Case, D.O.*, *id.*; *Order Remanding Case, F.D.*, Docket No. 24-0555 (issued July 25, 2024); *Order Remanding Case, P.B.*, *id.*; *Order Remanding Case, M.A.*, Docket No. 23-0813 (issued December 11, 2023).

<sup>4</sup> OWCP’s procedures provide that all evidence submitted should be reviewed and discussed in the decision. Evidence received following development that lacks probative value should also be acknowledged. Whenever possible, the evidence should be referenced by author and date. Federal (FECA) Procedure Manual, Part 2 -- Claims, *Initial Denials*, Chapter 2.1401.5b(2) (November 2012).

<sup>5</sup> *See Order Remanding Case, D.O.*, *supra* note 2; *Order Remanding Case, P.B.*, *supra* note 2; *Order Remanding Case, A.B.*, *supra* note 2; *Order Remanding Case, A.D.*, *supra* note 2; *Order Remanding Case, 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>6</sup> *See supra* note 3; *A.B.*, *supra* note 2.

**IT IS HEREBY ORDERED THAT** the December 1, 2025 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: April 17, 2026  
Washington, DC

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

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

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