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M.W., Appellant	)	
	)	
and	)	Docket No. 26-0478
	)	Issued: August 14, 2026
DEPARTMENT OF VETERANS AFFAIRS,	)	
PALO ALTO VA MEDICAL CENTER,	)	
Palo Alto, CA, Employer	)	
	)	

Case Submitted on the Record

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

On August 5, 2025 appellant, then a 69-year-old general maintenance and operations supervisor, filed a traumatic injury claim (Form CA-1) alleging that on March 14, 2025 he struck his right shin on the lower step of emergency scaffolding while in the performance of duty. In a narrative statement, he explained that his shin was struck by a metal step from scaffolding that was being passed down by coworkers. Appellant further explained that following this incident his shin bled and he bandaged the wound. He sought further medical care a month later as the wound did not heal and his pain worsened.

¹ Appellant submitted a timely request for oral argument before the Board. 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 in light of the disposition of this case.

healing right shin wound of the lower right extremity. On July 14, 2025 appellant underwent a bedside wound debridement performed by Dr. Isaac Macke Jackson, a general surgery resident. He was discharged from the hospital and admitted to a short-stay nursing home unit on July 17, 2025.

On August 18, 2025 appellant filed a claim for compensation (Form CA-7) for disability from work for the period August 5 through 15, 2025. On September 11, 2025 appellant filed another Form CA-7 for disability from work for the period August 18 through September 11, 2025.

By decision dated October 22, 2025, OWCP accepted appellant's claim for right lower leg abrasion.

In a development letter dated October 22, 2025, OWCP informed appellant of the deficiencies in his claim for disability from work during the period August 5 through September 11, 2025. It requested that he provide a comprehensive, contemporaneous medical report that clearly and objectively explained work restrictions (if any) due to the March 14, 2025 work-related injury. OWCP afforded appellant 30 days to respond.

In reports dated October 27, 2025 and February 26, 2026, Dr. Connie Teresi, a Board-certified internist, stated that appellant's March 14, 2025 work injury led to a non-healing ulcerated wound on the right lower extremity which required surgery for revascularization to restore blood flow to the area and to improve wound healing. She noted that he required a prolonged hospitalization, surgery, redo surgery, and extensive wound care for many months. Dr. Teresi opined that while the wound did not cause peripheral vascular disease, the wound healing and treatment was significantly compromised by peripheral vascular disease. In her February 26, 2026 report, she opined that appellant was unable to work from July 11 until September 18, 2025 due to his prolonged hospitalization. Dr. Teresi also advised that appellant was able to return to work without restrictions on September 18, 2025.

By decision dated March 30, 2026, OWCP denied appellant's claim for disability from work during the period August 5 through September 11, 2025, causally related to the accepted March 14, 2025 employment injury. It noted that on October 22, 2025 appellant was advised regarding the evidence necessary to establish the disability claim. OWCP further noted however that "[a]s of this date, we have not received any additional evidence in response to the development letter dated [October 22, 2025]."

The Board, having duly considered this matter, finds that the case is not in posture for decision.

Following OWCP's October 22, 2025 development letter, appellant submitted reports dated October 27, 2025 and February 26, 2026, wherein Dr. Teresi opined that appellant was unable to work during the period July 11 through September 18, 2025. Dr. Teresi explained that appellant's March 14, 2025 employment injury led to a non-healing ulcerated wound on the right lower extremity which required surgery for revascularization to restore blood flow to the area and to improve wound healing. In denying appellant's claim for disability from work during the period in question, however, OWCP noted that "[a]s of this date, we have not received any additional evidence in response to the development letter dated [October 22, 2025]." Therefore, it did not consider or address the evidence from Dr. Teresi.

In the case of *William A. Couch*,² the Board held that, when adjudicating a claim, OWCP is obligated to consider all evidence properly submitted by a claimant and received by OWCP before the final decision is issued. As OWCP did not review the above-noted evidence of record in its March 30, 2026 decision, it failed to follow its procedures.³

As Board decisions are final with regard to the subject matter appealed, it is crucial that OWCP consider and address all relevant evidence received prior to the issuance of its final decision.⁴ On remand, OWCP shall review all relevant evidence submitted by appellant regarding entitlement to disability from work for the period August 5, 2025 through September 11, 2025, causally related to his accepted March 14, 2025 employment injury. Following any further development as deemed necessary, it shall issue a *de novo* decision.

IT IS HEREBY ORDERED THAT the March 30, 2026 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: August 14, 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

² *William A. Couch*, 41 ECAB 548, 553 (1990); see also *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).

³ 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) (March 2026).

⁴ See *A.B.*, *supra* note 2; *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.