

U. S. DEPARTMENT OF LABOR
Employees' Compensation Appeals Board

In the Matter of KATHY B. GLAUSER and DEPARTMENT OF THE ARMY,
Heidelberg, Germany

*Docket No. 97-2857; Submitted on the Record;
Issued June 4, 1999*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
BRADLEY T. KNOTT

The issue is whether appellant sustained an injury while in the performance of duty on November 1, 1996, as alleged.

On November 1, 1996 appellant, a personnel assistant, filed a claim asserting that she sustained an injury while in the performance of duty that date. She described the cause of the injury as vomiting and diarrhea/dehydration. Her supervisor explained that appellant was in a temporary-duty status attending a training course when she became ill during the night. On December 6, 1996 the Office of Workers' Compensation Programs wrote to appellant to advise that further information was needed to establish whether the claimed injury occurred in the performance of duty. The Office stated that it would hold her case open for 60 days to afford her an opportunity to submit the medical evidence and that if the information was not received within that time her claim would be denied.

When the Office received no response by February 26, 1997, it issued a decision on that date rejecting appellant's claim on the grounds that the evidence failed to demonstrate that the claimed injury occurred in the performance of duty.

The Board finds that this case is not in posture for a determination of whether appellant sustained an injury while in the performance of duty on November 1, 1996, as alleged.

On appeal, appellant states that she has never received any correspondence or request for information from the Office, that she received only copies from her former agency or late notices from the medical providers. A careful examination of the record shows that the Office did not address its request for additional information or its final decision to the correct home mailing address given by appellant on her claim form. Appellant gave her address as follows: Unit 29266, Box 262, APO AE 09266. The Office mailed its request and its final decision to the following: Unit 29266, Unit 262, APO AE 09262. As the Office failed to mail its request and

final decision to appellant's last known address, the Board finds that the February 26, 1997 decision denying her claim for compensation was not properly issued.¹

The Board will set aside the Office's February 26, 1997 decision and remand the case for appropriate development of the evidence and the proper issuance of an appropriate final decision on appellant's claim for compensation.

The February 26, 1997 decision of the Office of Workers' Compensation Programs is set aside and the case remanded for further action consistent with this opinion.

Dated, Washington, D.C.
June 4, 1999

David S. Gerson
Member

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member

¹ *Tammy J. Kenow*, 44 ECAB 619 (1993). The Board notes that appellant's address on appeal is P.O. Box 366, Fort Belvoir, Virginia 22060-0366.