United States Department of Labor Employees' Compensation Appeals Board

A.R., Appellant)
and) Docket No. 10-1797
U.S. POSTAL SERVICE, MAIN POST OFFICE, New Orleans, LA, Employer) Issued: May 12, 2011
)
Appearances: Appellant, pro se	Case Submitted on the Record
Office of Solicitor, for the Director	

ORDER REMANDING CASE

Before:
RICHARD J. DASCHBACH, Chief Judge
ALEC J. KOROMILAS, Judge
COLLEEN DUFFY KIKO, Judge

On June 25, 2010 appellant filed a timely appeal from February 25 and June 4, 2010 merit decisions of the Office of Workers' Compensation Programs denying her emotional condition claim. The Board docketed the appeal as No. 10-1797.

The Board has reviewed the evidence on appeal and finds that the case is not in posture for decision. On February 25, 2010 the Office denied appellant's emotional condition claim. It found that she had not established any compensable factors of employment. The Office determined that appellant had not factually established her allegations that her pay changed or that she performed supervisory duties.

On March 4, 2010 appellant timely requested reconsideration and submitted additional evidence, including copies of pay stubs and witness statements. By decision dated June 4, 2010, the Office denied modification of its February 25, 2010 decision. It noted that she had submitted a reconsideration request and additional evidence on March 1, 2010. The Office summarized the allegations set forth by appellant in her initial statement, which was submitted prior to the February 25, 2010 decision. It further reviewed the response to that statement submitted by her

¹ In a statement received February 26, 2010, Lauren Moore, a former time and attendance clerk, related that she received a telephone call from a manager instructing her to retroactively revoke appellant's high level authorization and pay level. In a statement received March 5, 2010, Eugene Bart, a coworker, related that appellant performed timekeeping responsibilities when she was an acting supervisor.

supervisor, Vickie Schnuerer, on January 21, 2010. After paraphrasing the two statements, the Office determined that appellant had not factually established an injury in the performance of duty. It cited to clear evidence of error language, relevant to untimely requests for reconsideration. The Office did not discuss the evidence submitted by appellant in support of her request for reconsideration or provide any explanation for its finding.

The Board finds that the Office did not make adequate findings of fact regarding the claimed employment factors and did not provide sufficient reasoning for concluding that she did not establish any compensable work factors. The Office is required to make findings of fact and a statement of reasons regarding the material facts of the case.² Its findings should be sufficiently detailed so that the claimant can understand the reasoning behind the decision.³ The Office's failure to analyze the evidence submitted on reconsideration and explain the basis for its conclusion that appellant did not establish any compensable work factors precludes the Board's review of this decision. The case is, therefore, remanded for the Office to make detailed findings regarding appellant's allegations, in conformance with its regulations and Board precedent. After such development as it deems necessary, it should issue an appropriate decision on the emotional condition claim.

IT IS HEREBY ORDERED THAT the decisions of the Office of Workers' Compensation Programs dated June 4 and February 25, 2010 are set aside and the case is remanded for further proceedings consistent with this opinion of the Board.

Issued: May 12, 2011 Washington, DC

> Richard J. Daschbach, Chief Judge Employees' Compensation Appeals Board

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

> Colleen Duffy Kiko, Judge Employees' Compensation Appeals Board

² 20 C.F.R. § 10.126; Beverly Dukes, 46 ECAB 1014 (1995).

³ See Paul M. Colosi, 56 ECAB 294 (2005).