

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

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C.B., Appellant )

and )

DEPARTMENT OF AGRICULTURE, GRAIN )  
INSPECTION, PACKERS & STOCKYARD )  
ADMINISTRATION, League City, TX, Employer )

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**Docket No. 11-1482  
Issued: January 12, 2012**

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

*Case Submitted on the Record*

**ORDER REMANDING CASE**

Before:

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

On June 24, 2011 appellant filed a timely appeal of a May 5, 2011 merit decision of the Office of Workers' Compensation Programs (OWCP). The appeal was docketed as No. 11-1482.

Appellant filed a Form CA-2 on January 28, 2011 alleging that she sustained an emotional condition causally related to her federal employment. In a January 7, 2011 letter, she alleged harassment by her supervisors. Appellant alleged that the supervisors had delayed processing her prior claim, had accused her of fraud and forgery of a physician's report and failed to restore leave. The employing establishment submitted responses from supervisors and managers regarding the claim.

In the May 5, 2011 decision, OWCP found that "the evidence supports that an incident you claimed occurred as described." No additional explanation was provided. OWCP then stated that the claim was denied because appellant did not submit sufficient medical evidence to establish the claim.

In cases involving emotional conditions, the Board has held that, when working conditions are alleged as factors causing a condition or disability, OWCP, as part of its adjudicatory function, must make findings of fact regarding which working conditions are deemed compensable factors

of employment and are to be considered by a physician when providing an opinion on causal relationship and which working conditions are not deemed factors of employment and may not be considered.<sup>1</sup> The May 5, 2011 OWCP decision does not identify any of the specific allegations made by appellant or explain whether any of the allegations constitute compensable work factors that are substantiated by the evidence of record. There was factual evidence submitted regarding the allegations and OWCP made no findings of fact regarding compensable work factors. It is not appropriate to base the decision on the medical evidence until it is properly determined that compensable work factors have been established.<sup>2</sup> The medical evidence must support that the accepted employment factors caused the emotional condition.

The case will be remanded for proper findings of fact. After such further development as is necessary, OWCP should issue an appropriate decision.

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated May 5, 2011 is set aside and the case remanded for further action consistent with this order of the Board.

Issued: January 12, 2012  
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

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<sup>1</sup> See *Norma L. Blank*, 43 ECAB 389 (1992).

<sup>2</sup> *Id.*