

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ALEXANDER BOSTICK and DEPARTMENT OF THE NAVY,
NAVAL SHIPYARD, Philadelphia, Pa.

*Docket No. 97-881; Submitted on the Record;
Issued March 29, 1999*

DECISION and ORDER

Before DAVID S. GERSON, MICHAEL E. GROOM,
A. PETER KANJORSKI

The issue is whether appellant is entitled to temporary total disability beginning June 12, 1980 due to an employment-related injury.

The Board has given careful consideration to the issue involved, the contentions of appellant on appeal and the entire case record. The Board finds that the decision of the hearing representative of the Office of Workers' Compensation Programs dated and finalized October 31, 1996 is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the Office hearing representative.¹

¹ In her October 31, 1996 decision, the Office hearing representative determined that appellant had presented *prima facie* evidence of an employment-related emotional condition and that the case should be remanded to the Office for further development of this issue to be followed by an appropriate decision. Although the Office hearing representative suggested in her December 31, 1996 decision that appellant's case had not yet been accepted by the Office for an employment-related emotional condition, the record reveals that appellant's case has been accepted by the Office for an employment-related stress disorder. The Board notes that the case should be remanded to the Office for further development per the Office hearing representative's instructions, but with the proviso that appellant's case has been accepted for employment-related stress disorder.

The decisions of the Office of Workers' Compensation Programs dated and finalized October 31, 1996 and dated May 28, 1996 are affirmed as modified.

Dated, Washington, D.C.
March 29, 1999

David S. Gerson
Member

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member