

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of TERESA M. CAMPBELL and U.S. POSTAL SERVICE,
POST OFFICE, Seattle, WA

*Docket No. 00-2393; Submitted on the Record;
Issued June 22, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
BRADLEY T. KNOTT

The issue is whether appellant has established that she sustained an emotional condition in the performance of duty, causally related to compensable factors of her federal employment.

The Board has given careful consideration to the issue involved, the contentions of the parties on appeal and the entire case record. The Board finds that the decision of the Office of Workers' Compensation Programs' hearing representative dated July 28, 1999 is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the hearing representative.¹

Following the July 28, 1999 merit decision, the Office apparently combined case No. A14-0333180 with case No. A14-0318211 (most recent merit decision rendered on November 13, 1997)² and case No. A14-0341167. The contents of case Nos. A14-0333180 and A14-0318211 appear in the record as submitted to the Board, but the contents of case No. A14-0341167 do not so appear. Therefore, no final decision by the Board is being rendered with

¹ This July 28, 1999 decision was rendered in case No. A14-0333180. In the decision the hearing representative provided a comprehensive opinion but declined to address the claims of obscenities allegedly spoken by Charles Gistarb on the basis that such allegations were addressed in claim No. A14-0318211. By decision dated November 13, 1997, in claim No. A14-318211, the Office found that none of appellant's 32 allegations of implicated employment factors were either substantiated as occurring as alleged or were compensable factors of her employment. This included every obscenity allegation related to Mr. Gistarb. Although appellant re-alleged exposure to these obscenities during her hearing in claim No. A14-0333180, and although the hearing representative improperly declined to specifically address them in her decision, the hearing representative did find that the record lacked any corroborative evidence establishing that such exposures or incidents occurred as alleged. In adopting the hearing representative's decision, the Board has independently reviewed the combined evidence of record and now makes a formal finding that appellant's allegations of exposures to obscenities from Mr. Gistarb are not supported as having occurred as alleged by the combined evidence of record.

² As the most recent merit decision in this claim was rendered on November 13, 1997, such decision is not now independently timely before the Board on this appeal.

respect to case No. A14-0341167. Moreover, the contents of case Nos. A14-0333180 and A14-0318211 appear to address the same allegations and employment factors and are hence repetitive.

Accordingly, the decision of the Office of Workers' Compensation Programs dated July 28, 1999 is hereby affirmed.

Dated, Washington, DC
June 22, 2001

Michael J. Walsh
Chairman

David S. Gerson
Member

Bradley T. Knott
Alternate Member