

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of SABINE L. PHILIPPE and FEDERAL DEPOSIT INSURANCE  
CORPORATION, BOSTON NORTH FIELD OFFICE, Waltham, MA

*Docket No. 00-694; Submitted on the Record;  
Issued September 21, 2001*

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DECISION and ORDER

Before MICHAEL E. GROOM, BRADLEY T. KNOTT,  
PRISCILLA ANNE SCHWAB

The issue is whether appellant met her burden of proof to establish that she sustained an emotional condition while in the performance of duty.

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 Office of Workers' Compensation Programs' hearing representative dated October 7, 1999 is accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the Office hearing representative.<sup>1</sup>

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<sup>1</sup> The Board notes that the hearing representative incorrectly stated that Dr. Herr's report of October 7, 1999, to which she refers in her August 11, 1999 decision, was not in the record. Although the October 7, 1999 report is in the record, the failure to consider it is harmless, as it does not provide a rationalized medical opinion that appellant's emotional condition arose from compensable factors of employment. See *William P. George*, 43 ECAB 1159, 1168 (1992).

The decision of the Office of Workers' Compensation Programs dated October 7, 1999 is hereby affirmed.

Dated, Washington, DC  
September 21, 2001

Michael E. Groom  
Alternate Member

Bradley T. Knott  
Alternate Member

Priscilla Anne Schwab  
Alternate Member