

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of BRENDA E. McIVER-SMITH and U.S. POSTAL SERVICE,  
POST OFFICE, Youngstown, OH

*Docket No. 01-1080; Submitted on the Record;  
Issued August 6, 2002*

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DECISION and ORDER

Before COLLEEN DUFFY KIKO, MICHAEL E. GROOM,  
A. PETER KANJORSKI

The issue is whether appellant sustained an emotional condition causally related to compensable employment factors on or after July 1996.

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 hearing representative of the Office of Workers' Compensation Programs dated February 7, 2001 and finalized on February 8, 2001 is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the Office hearing representative that appellant has not established any compensable factor of employment.<sup>1</sup>

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<sup>1</sup> Appellant, through her representative, contends that the hearing representative violated appellant's due process rights by considering evidence that had not been received during the hearing. The Board notes, however, that, pursuant to 20 C.F.R. § 10.617(e) and (f), the employing establishment has 20 days after receiving a copy of the transcript to submit comments and additional evidence to the hearing representative. If such information is submitted, appellant or appellant's representative shall have an additional 20 days to respond to such comments or evidence. In this case, the employing establishment forwarded additional information to the hearing representative and such information was sent to appellant's representative. No response or additional evidence was received from appellant or her representative.

The decision of the Office of Workers' Compensation Programs dated February 7, 2001 and finalized on February 8, 2001 is hereby affirmed.

Dated, Washington, DC  
August 6, 2002

Colleen Duffy Kiko  
Member

Michael E. Groom  
Alternate Member

A. Peter Kanjorski  
Alternate Member