

allegations and indicated that training sessions would be scheduled and the situation monitored. OWCP did not explain whether it was finding the allegations had occurred based on this memorandum, and if so, why these allegations are compensable. The Board also notes the finding that other allegations were “not established” was not accompanied by any discussion of the evidence or other explanation.¹

In addition, there were allegations that were not addressed by OWCP. The October 26, 2009 memorandum stated that appellant had alleged sexual harassment, and OWCP provided no findings on this allegation. Additional allegations had also been raised by her in statements submitted on July 22 and August 9, 2010 that were not considered in the merit decision.

In cases involving emotional conditions, the Board has held that, when working conditions are alleged as factors in 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. If a claimant does implicate a factor of employment, OWCP should then determine whether the evidence of record substantiates that factor. When the matter asserted is a compensable factor of employment and the evidence of record establishes the truth of the matter asserted, OWCP must base its decision on an analysis of the medical evidence.²

The case will accordingly be remanded to OWCP for proper findings on the issue presented. After such further development as OWCP deems necessary, it should issue an appropriate decision.

¹ 20 C.F.R. § 10.126.

² *T.G.*, 58 ECAB 189 (2006); *F.L.* Docket No. 11-638 (issued October 13, 2011).

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated November 4, 2010 is set aside and the case remanded for further action consistent with this order of the Board.

Issued: December 12, 2011
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