



In addition, the Board notes that section 10.126 requires the Office to issue a decision containing findings of fact and a statement of reasons.<sup>1</sup> In an April 8, 2010 decision, the Office denied appellant's claim for an emotional condition, finding that appellant failed to establish any compensable factor of employment and that fact of injury was therefore not established.<sup>2</sup> It erred in this decision by failing to make findings regarding the factual and medical evidence appellant presented. Instead it merely stated in summary fashion that it was not sufficient to establish that the events occurred as alleged. Additionally, it did not provide a statement of reasons supporting its determination. Therefore the Board finds that the Office failed to give proper consideration to the evidence appellant submitted in support of her claim.

Accordingly, as all the records pertaining to appellant's claim are necessary for complete consideration and adjudication of the issue raised on appeal, the Board, therefore, finds that the appeal docketed as No. 10-1767 is not in posture for a decision. The Board is unable to render an informed adjudication of the case. In addition, the Office failed to make detailed findings and state the reasons for its denial of compensation in its April 8, 2010 decision. The appeal docketed as No. 10-1767 must be set aside and remanded for adjudication of the case pursuant to section 8128(a).

Accordingly, the April 8, 2010 decision will be set aside and remanded for reconstruction of the record to include the entire case file pertaining to claim number xxxxxx272. The Office will consider all of appellant's evidence pursuant to the standards set out in section 8128(a) and section 10.126 to determine whether she has established that she sustained an emotional condition in the performance of duty. After such further development as it deems necessary, it should issue an appropriate decision to protect appellant's appeal rights.

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<sup>1</sup> 20 C.F.R. § 10.126.

<sup>2</sup> By decision dated May 21, 2010, an Office hearing representative denied appellant's request for a hearing on the grounds that it had not been filed in a timely manner.

**IT IS HEREBY ORDERED THAT** this case be remanded for reconstruction of the case record and for a determination of the issue at bar based on a consideration of the entire case record.

Issued: June 28, 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