

OWCP has an obligation to verify that it selected Dr. Gratzer in a fair and unbiased manner. It maintains records for this very purpose.³ The current record includes a December 7, 2005 MEO23 IF ECS report which states that appellant's referee appointment was scheduled with Dr. Gratzer. The record does not include any IF ECS screen shots substantiating the referee selection of Dr. Gratzer.

The Board has placed great importance on the appearance as well as the fact of impartiality, and only if the selection procedures which were designed to achieve this result are scrupulously followed may the selected physician carry the special weight accorded to an impartial specialist. OWCP has not met its affirmative obligation to establish that it properly followed its selection procedures.

The Board will remand the case to OWCP for selection of another impartial medical specialist. After such further development as necessary, OWCP shall issue an appropriate decision.

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated September 23, 2009 is set aside and the case remanded for further proceedings consistent with this opinion.

Issued: September 28, 2011
Washington, DC

Alec J. Koromilas, Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

James A. Haynes, Alternate Judge
Employees' Compensation Appeals Board

³ M.A., Docket No. 07-1344 (issued February 19, 2008).