

OWCP terminated wage-loss compensation and medical benefits for her cervical, lumbar, bilateral shoulder myositis and aggravation of lumbar degenerative disc disease which OWCP's hearing representative affirmed on July 26, 2010.

Under OWCP procedures, a notice of proposed termination should inform appellant of all the conditions under consideration for termination and allow appellant an opportunity to respond prior to termination of her compensation benefits.³ While OWCP provided appellant with notice that it proposed to terminate medical benefits for her accepted lumbar and cervical conditions, it did not provide her with any notice that her bilateral shoulder condition would be included in the termination of compensation benefits or that her wage-loss compensation benefits would also be terminated. The Board finds that the November 24, 2009 letter cannot be construed as a proper pretermination notice as it failed to include all the conditions or benefits terminated by OWCP in its final decision of January 4, 2010. As OWCP did not provide appellant proper notice on an opportunity to respond prior to termination of her compensation benefits for her bilateral shoulder condition and wage-loss compensation benefits, the Board finds that OWCP failed to meet its burden of proof.⁴ Accordingly,

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated July 26, 2010 is reversed.

Issued: September 13, 2011
Washington, DC

Richard J. Daschbach, Chief Judge
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge
Employees' Compensation Appeals Board

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

³ See *Winton A. Miller*, 52 ECAB 405, 407 (2001) citing to Federal (FECA) Procedure Manual, Part 2 -- Claims, *Disallowances*, Chapter 2.1400.6 (March 1997); see also *Fred Foster*, 1 ECAB 127, 133 (1948).

⁴ See *Winton A. Miller*, *supra* note 3.