

June 7, 1996 employment injury.³ By decision dated July 27, 2010, the hearing representative affirmed the November 4, 2009 OWCP decision.⁴ He found that appellant failed to provide medical evidence “to dispute the well-reasoned opinion of Dr. Pifer ... which sufficiently substantiated the action of [OWCP] when it terminated claimant’s chiropractic benefits in connection with this claim.” The hearing representative explained that “Dr. Pifer indicated that [appellant] is no longer suffering from his work-related injury.”

Section 8124(a) of FECA provides: “[OWCP] shall determine and make a finding of fact and make an award for or against payment of compensation...”⁵ OWCP’s regulations at section 10.126 of Title 20 of the Code of Federal Regulations provide: “The decision [of the Director of OWCP] shall contain findings of fact and a statement of reasons.”⁶ Moreover, OWCP’s procedure manual provides: “The reasoning behind [OWCP’s] evaluation should be clear enough for the reader to understand the precise defect of the claim and the kind of evidence which would overcome it.”⁷

The Board, having duly considered the matter, finds that OWCP’s hearing representative failed to properly explain his findings with respect to the issue presented. Although his decision affirms a November 4, 2009 OWCP decision, it is unclear whether he is affirming the denial of authorization for chiropractic treatment or affirming the termination of medical benefits. There is no November 4, 2009 decision terminating appellant’s medical benefits as OWCP only issued a proposed notice of termination on that day. There is, however, a November 4, 2009 decision denying authorization for chiropractic treatment. Thus, OWCP, in its July 27, 2010 decision, did not discharge its responsibility to set forth findings of fact and a clear statement of reasons explaining the disposition so that appellant could understand the basis for the decision, *i.e.*, whether it was denying authorization for chiropractic treatment or terminating appellant’s compensation benefits.

The case must be returned to OWCP for a proper decision which includes findings of fact and a clear and precise statement regarding the basis for the decision. Following such further development as OWCP deems necessary, it shall issue a *de novo* decision.

³ The record contains no final decision issued by OWCP finalizing the termination of appellant’s medical benefits for the accepted conditions.

⁴ OWCP’s hearing representative noted that this decision superseded the prior June 22, 2010 decision as the evidence submitted by appellant subsequent to the hearing had not been considered.

⁵ 5 U.S.C. § 8124(a); *see Hubert Jones, Jr.*, 57 ECAB 467 (2006); *Paul M. Colosi*, 56 ECAB 294 (2005).

⁶ 20 C.F.R. § 10.126. *See also O.R.*, 59 ECAB 432 (2008); *Teresa A. Ripley*, 56 ECAB 528 (2005); *M.L.*, Docket No. 09-956 (issued April 15, 2010).

⁷ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Disallowances*, Chapter 2.1400.4(e) (March 1997).

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated July 27, 2010 is set aside and the case remanded for further proceedings consistent with this order of the Board.

Issued: March 26, 2012
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