

**United States Department of Labor
Employees' Compensation Appeals Board**

_____)	
J.Z., Appellant)	
)	
and)	Docket No. 19-1005
)	Issued: December 30, 2019
U.S. POSTAL SERVICE, POST OFFICE,)	
Warrensville Heights, OH, Employer)	
_____)	

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

ORDER REMANDING CASE

Before:
CHRISTOPHER J. GODFREY, Chief Judge
PATRICIA H. FITZGERALD, Deputy Chief Judge
JANICE B. ASKIN, Judge

On April 8, 2019 appellant filed a timely appeal from an October 11, 2018 decision of the Office of Workers' Compensation Programs (OWCP). The Clerk of the Appellate Boards docketed the appeal as No. 19-1005.

On August 8, 2017 appellant, then a 36-year-old city carrier, filed a traumatic injury claim (Form CA-1) for an emotional condition that she attributed to an August 3, 2017 "traumatic altercation" while in the performance of duty. She alleged that she had been followed by a customer who harassed and threatened her.

In support of her claim, appellant submitted August 25 and 31, 2017 reports from Dr. Donald J. See, Ph.D., a psychotherapist, who diagnosed acute stress disorder and major depression with anxiety. In a record of a telephone conversation with Dr. See dated October 23, 2017, he told an OWCP representative that he was not a licensed clinical psychologist.

By decision dated October 27, 2017, OWCP accepted as a compensable factor of employment that on August 3, 2017 appellant delivered a package that had previously been tampered with and the recipient of the package confronted appellant about it in a hostile manner. OWCP denied appellant's emotional condition claim, however, as she had not submitted a medical diagnosis from a qualified physician in connection with the accepted employment factor.

OWCP subsequently received a December 13, 2017 duty status report (Form CA-17) that included a diagnosis of acute stress disorder. The identity of the healthcare provider was not readily apparent based on his/her signature.

On September 17, 2018 appellant requested reconsideration of OWCP's October 27, 2017 decision. With her request, she submitted a June 28, 2018 medical report signed by Dr. Juan Young, M.D., a psychiatrist, and Dr. Stacy Caldwell, Ph.D., a psychologist. Drs. Young and Caldwell diagnosed post-traumatic stress disorder (PTSD) related to the August 3, 2017 incident.

By decision dated October 11, 2018, OWCP denied appellant's request for reconsideration.

The Board has duly considered the matter and notes that in the case of *William A. Couch*¹ it held that, when adjudicating a claim, OWCP is obligated to consider all evidence properly submitted by a claimant and received by OWCP before the final decision is issued. In its October 11, 2018 decision, OWCP failed to consider the June 28, 2018 report from Drs. Young and Caldwell, which it received on September 17, 2018. While it reviewed the December 13, 2017 Form CA-17 and found it insufficient to warrant further merit review, OWCP did not acknowledge receipt of the June 28, 2018 report from Drs. Young and Caldwell. As the Board's decisions are final as to the subject matter appealed, it is crucial that all evidence relevant to the subject matter of the claim properly submitted to OWCP be reviewed and addressed.² Accordingly,

IT IS HEREBY ORDERED THAT the October 11, 2018 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further action consistent with this order of the Board.

¹ 41 ECAB 548 (1990).

² *S.M.*, 19-0124 (issued August 1, 2019); *T.J.*, Docket No. 14-1854 (issued February 3, 2015); *Yvette N. Davis*, 55 ECAB 475 (2004).

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Washington, DC

Christopher J. Godfrey, Chief Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
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