

<sup>2</sup> The Board notes that the application for review (AB-1) requests an appeal from a purported September 16, 2021 decision of OWCP. However, no such decision is found in the case record. The only final adverse decision of OWCP within the Board's jurisdiction is the September 3, 2021 merit decision.

including a hostile work environment created by her coworkers, which made it impossible for her to do her job and sabotaged her training. Appellant asserted that her supervisor, D.K., ignored the hostile work environment and denied her elements of on-the-job training including receiving hands-on mail casing and sorting training from an experienced mail carrier. She alleged that she was denied a line of travel document necessary for proper training. Appellant asserted that the postmaster refused to answer work-related questions. She alleged disparate treatment when another rural carrier started at the employing establishment and received the training that appellant was denied. Appellant alleged that a coworker, A.G., was disgruntled because he believed her route should have been awarded to him. She asserted that the postmaster, C.B., attempted to intimidate her on May 20 and 30, 2020 when she explained that she did not feel adequately trained and safe to deliver her mail route. Appellant asserted that she was discriminated against due to her Hispanic ethnicity and physical disabilities stemming from a neck, back and shoulder injury sustained in a work-related motor vehicle accident on December 24, 2010.<sup>3</sup> She noted that these incidents caused her to develop stress and erratic blood pressure. OWCP assigned this claim OWCP File No. xxxxxx121.

By decision dated November 20, 2020, OWCP denied appellant's claim for an employment-related emotional condition, finding that the evidence of record was insufficient to establish that a medical condition arose during the course of employment and within the scope of compensable work factors. Therefore, it concluded that the requirements had not been met to establish an injury as defined by FECA.

By decision dated February 3, 2021, an OWCP hearing representative vacated the decision dated November 20, 2020 and remanded the case for further development. It found that OWCP failed to properly develop the factual component of the claim and addressed only a few of the stress incidents set forth in appellant's numerous personal statements prior to issuance of the November 20, 2020 decision.

By decision dated April 5, 2021, OWCP denied appellant's claim for an employment-related emotional condition claim, finding that the evidence of record was insufficient to establish that a medical condition arose during the course of employment and within the scope of compensable work factors. Therefore, it concluded that the requirements had not been met to establish an injury as defined by FECA.

By decision dated September 3, 2021, OWCP's hearing representative affirmed the April 5, 2021 decision. In this decision, it referenced a prior traumatic injury claim filed by appellant, OWCP File No. xxxxxx416, for injuries sustained in a work-related motor vehicle accident on December 24, 2010. OWCP accepted that claim for concussion without loss of consciousness, cervical strain, lumbar strain, right shoulder and trapezius strain, and right shoulder impingement.<sup>4</sup> The hearing representative found that the evidence of record failed to establish that

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<sup>3</sup> The Board notes that appellant filed a prior claim for a traumatic injury sustained on December 24, 2010, which was assigned OWCP File No. xxxxxx416.

<sup>4</sup> *Id.*

the accepted traumatic injury of December 24, 2010 under OWCP File No. xxxxxx416, caused or contributed to appellant's alleged stress claim.

The Board has duly considered the matter and concludes that this case is not in posture for decision.

In the present claim, OWCP File No. xxxxxx121, appellant alleged that she developed stress in part due to physical disabilities stemming from a neck, back and shoulder injury sustained in a work-related motor vehicle accident on December 24, 2010 under OWCP File No. xxxxxx416. Therefore, for a full and fair adjudication, the case must be remanded to OWCP to administratively combine OWCP File Nos. xxxxxx121 and xxxxxx416. This will allow OWCP to consider all of the relevant claim files in developing appellant's current compensation claim. Following this and other such further development as deemed necessary, OWCP shall issue a *de novo* merit decision.

**IT IS HEREBY ORDERED THAT** the September 3, 2021 decision of the Office of Workers' Compensation Programs is set aside, and the case is remanded for further proceedings consistent with this order of the Board.

Issued: June 22, 2022  
Washington, DC

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

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

A handwritten signature in dark ink, appearing to read "J. D. McGinley", written in a cursive style.

James D. McGinley, Alternate Judge  
Employees' Compensation Appeals Board