

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of FRANCES S. O'BRIEN and U.S. POSTAL SERVICE,
POST OFFICE, Providence, RI

*Docket No. 01-463; Submitted on the Record;
Issued September 21, 2001*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
MICHAEL E. GROOM

The issue is whether appellant established that she sustained an emotional condition in the performance of duty.

The Board has given careful consideration to the issue involved, the contentions of the parties on appeal and the entire case record. The Board finds that the August 31, 2000 decision of the Office of Workers' Compensation Programs is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the hearing representative.¹

¹ Appellant did not establish a compensable factor of employment. Appellant was given the option at a November 16, 1998 meeting to go on disability or take the part-time flexible distribution clerk job. This was an administrative or personnel matter and appellant did not show management acted unreasonably. There was no evidence corroborating appellant's testimony that the clerk job exceeded her physical restrictions. *See Ronald C. Hand*, 49 ECAB 113, 115 (1997). The requirement that appellant undergo a fitness-for-duty examination was also an administrative or personnel matter and appellant did not show that management abused its discretion or acted unreasonably in this matter. *See Alice M. Washington*, 46 ECAB 382, 390 (1994).

The Office of Workers' Compensation Programs' August 31, 2000 decision is hereby affirmed.

Dated, Washington, DC
September 21, 2001

David S. Gerson
Member

Willie T.C. Thomas
Member

Michael E. Groom
Alternate Member