

RECEIVED DEC 16 2010

U.S. DEPARTMENT OF LABOR

OFFICE OF WORKERS' COMP PROGRAMS  
PO BOX 8300 DISTRICT 50  
LONDON, KY 40742-8300  
Phone: (202) 693-0045

DEC 13 2010

Date of Injury:  
Employee:

Dear Ms. :

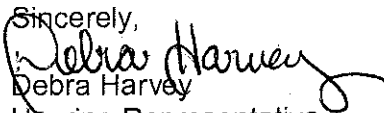
This is in reference to your workers' compensation claim. Pursuant to your request for a hearing concerning the reduction of your benefits, the case file was transferred to the Branch of Hearings and Review.

A hearing was held on October 18, 2010. At the hearing, it was found that the District Office has placed you back on the periodic roll for receipt of temporary total disability payments. The Office has noted via telephone message dated July 7, 2010 that the Office's decision reducing your benefits "was in error and will be rescinded." The Office has not taken action to formally rescind that decision. Therefore, the Office's decision dated April 27, 2010, is hereby SET ASIDE and the file is REMANDED for formal rescission of the prior LWEC decision. The enclosed Summary Decision is being issued for action as indicated on page 4, lines 19-23 of the hearing transcript.

The case record is being returned to the District Office for appropriate action consistent with the findings noted in the hearing decision. Future correspondence should be addressed to:

US DEPARTMENT OF LABOR  
OFFICE OF WORKERS COMP PROGRAMS  
PO BOX 8300 DISTRICT 16 DALLAS  
LONDON, KY 40742-8300

Sincerely,

  
Debra Harvey  
Hearing Representative

PAUL FELSER  
ATTORNEY AT LAW  
FELSER LAW FIRM, P. C.  
P.O. BOX 10267  
SAVANNAH, GA 31412

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UNITED STATES DEPARTMENT OF LABOR  
OFFICE OF WORKERS' COMPENSATION PROGRAMS  
FEDERAL EMPLOYEES' COMPENSATION ACT

File No. -

Claimant:

Representative: Paul H. Felser, Esq.  
P.O. Box 10267  
Savannah, GA 31412

Employed by:

\*\*\*  
TRANSCRIPT OF PROCEEDINGS

HEARING REP: DEBORAH HARVEY  
DATE: October 18, 2010  
PLACE: Charles E. Bennett Federal Building  
400 West Bay Street  
Suite 943  
Jacksonville, Florida  
TIME: 9:32 a.m.  
REPORTED BY: Letha Wheeler,  
York Stenographic Services

York Stenographic Services, Inc.  
34 North George St., York, PA 17401 - (717) 854-0077

INDEX TO WITNESSES

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[None]

EXHIBITS

10  
11

MARKED      ADMITTED

[None]

York Stenographic Services, Inc.  
34 North George St , York, PA 17401 - (717) 854-0077

## P R O C E E D I N G S

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## HEARING REPRESENTATIVE:

This is a hearing being held in connection with the claim of - for benefits under the Federal Employees' Compensation Act. Today's date is October 18, 2010, and the time is 9:32 a.m. Ms. - is not present but is represented by her attorney, Paul Felser. Deborah Harvey is the hearing representative assigned to the claim. - is employed by the , in , as a . She was injured on , when she slipped and fell onto the floor in the airport common area. The claim was accepted for a left patellar fracture. She underwent surgery to repair the fracture on December 16, 2008. She was placed on the periodic roll on January 27, 2009. She developed a deep vein thrombosis in June 2009. Her claim has since been expanded to include that condition as well as a frozen knee. She has another claim that has been accepted for a

York Stenographic Services, Inc.  
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1 right shoulder sprain, right sympathetic  
2 dystrophy and right rotator cuff rupture. In  
3 the instant claim, Ms. - was  
4 provided with work restrictions and was  
5 enrolled in vocational rehabilitation  
6 services. The Office reduced her compensation  
7 benefits on April 27, 2010, finding a selected  
8 position of customer service clerk fairly and  
9 reasonably represented her wage-earning  
10 capacity. However, the Office has now placed  
11 her back on the periodic roll for receipt of  
12 temporary total disability payments. The  
13 Office has notated the file that the decision  
14 reducing compensation benefits needs to be  
15 rescinded due to the accepted reflex  
16 sympathetic dystrophy condition. The Office  
17 has not, however, issued a formal decision  
18 rescinding the wage-loss-capacity decision.  
19 Therefore, by way of summary decision, the  
20 Office's decision dated April 27, 2010, is  
21 hereby set aside and the case is remanded to  
22 the District Office for formal rescission of  
23 the prior LWEC decision. A copy of the  
24 hearing transcript is being sent to the  
25 employing agency for review and comment.

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1 Agency comments should be received within 20  
2 days of the date of receipt. Should the  
3 agency provide any written comments, a copy  
4 will be forwarded to Mr. Felser for review and  
5 comment, and the formalization of the summary  
6 decision will be issued after that time. Mr.  
7 Felser, is there anything you want to add  
8 while we're on the record?

9 MR. FELSER:

10 We concur. We had planned to be here today to  
11 identify on the record that we felt that the  
12 issue had been resolved and that a summary  
13 decision was warranted, and we concur with  
14 what you have put on the record today.

15 HEARING REPRESENTATIVE:

16 Thank you. If there's nothing further, the  
17 time is 9:35 a.m. and we are off the record.

18 \*\*\*

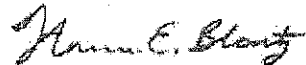
19 [Whereupon the hearing ended at 9:35 a.m.]

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C E R T I F I C A T I O N

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2 I, Florence E. Blantz, hereby certify that the  
3 examination of the witnesses, as provided to me by Letha  
4 Wheeler, the Reporter in the within case, was reduced to  
5 writing by me, and that the transcript is a true record  
6 of the testimony given by the witnesses.

7 I further certify that I am neither attorney, nor  
8 counsel for, nor related to or employed by, any of the  
9 parties in which this action is taken, and further that  
10 I am not a relative or employee of any attorney or  
11 counsel employed by the parties hereto or financially  
12 interested in the action.

13 

14  
15 Florence E. Blantz, Transcriber  
16 York Stenographic Services

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