

File Number:  
HR10-D-H

RECEIVED JUL 31 2012

U.S. DEPARTMENT OF LABOR

JUL 24 2012

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

Date of Injury:  
Employee:

Dear Sir/Madam:

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

A hearing was held on 04/27/2012. As a result of such hearing, it has been determined that the decision issued by the District Office should be vacated and the case remanded to the district office for further action as explained in the enclosed copy of the Hearing Representative's Decision.

Your case file has been returned to the Boston District Office. You may contact that office by writing to our Central Mail Room at the following address:

US DEPARTMENT OF LABOR  
OFFICE OF WORKERS' COMP PROGRAMS  
PO BOX 8300 DISTRICT 1 BOS  
LONDON, KY 40742-8300

Sincerely,



Carol E. Adams  
Hearing Representative

PAUL H. FELSER, ATTY.  
P O BOX 10267  
SAVANNAH, GA 31412

*If you have a disability (a substantially limiting physical or mental impairment), please contact our office/claims examiner for information about the kinds of help available, such as communication accommodations (alternate formats or sign language interpretation), accommodations and modifications.*

U.S. DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

DECISION OF THE HEARING REPRESENTATIVE

In the matter of the claim for compensation under Title 5, U.S. Code 8101 et seq. of \_\_\_\_\_, claimant; \_\_\_\_\_, employee, Employed by the \_\_\_\_\_  
Case number \_\_\_\_\_ A hearing was held on April 27, 2012.

The issue for determination is whether \_\_\_\_\_ death on \_\_\_\_\_ was  
connected to his federal employment.

On February 17, 2011 the Office received a Claim for Compensation by Widow,  
Widower and/or Children from the employee's widow.

The Office determined that there was insufficient evidence to support the claim.  
Therefore, by letters dated February 22, 2011, the Office requested additional evidence  
from the claimant and the employing agency.

In an Official Superiors Report of Employee's Death memorandum dated February 14,  
2011, Ms. \_\_\_\_\_ provided the following information:

Mr. \_\_\_\_\_ was employed in the \_\_\_\_\_  
\_\_\_\_\_ and \_\_\_\_\_ from \_\_\_\_\_ through \_\_\_\_\_

His positions as the \_\_\_\_\_ involved mostly sitting  
behind a desk dealing with customers over the phone and in-person, inspection  
of some equipment, and computer work. The position also required providing  
training to Major Hand Receipt Holders.

In \_\_\_\_\_ Mr. \_\_\_\_\_ developed medical issues. The employer outlined the  
medical evidence received and the dates he was held off from work and the  
dates he returned to work. When he returned to work on April 19, 2010, he was  
asked to provide a medical note, releasing him to return to duty before he could  
return to work. He became very upset over being required to get medical  
clearance prior to returning to duty. He was able to obtain a medical note dated  
April 19, 2010.

On April 22, 2010 he was hospitalized again and was held off work by his doctor  
until May 3, 2010. He was released to return to work without restrictions imposed  
for limited activity. His duties were monitored and based on the duties of his  
position and the excellent team he had in the Property Book Section, no farther  
actions were taken by management to restrict his duties.

Further, the employer stated:

"After several months of being back on duty, with no real signs of medical issues, Mr. [redacted] was asked if he would accept a detail to the duties of the Accountable Officer for 120 days, (July - November), until a new one could be hired. These duties included providing support to the Property Book Section, and the Chief, Supply & Services (S&S) Division. Again, the duties involved sitting behind a desk, dealing with customer's over the phone and in person, and inspection of equipment, and computer work. The position also involved the supervision of some employees (Property Book (2 people), Stock Control (2 people), and 1 Supervisor in the Warehouse. This position also served as the Senior Rater for lower graded personnel in the Warehouse. Mr. [redacted] agreed, and I only agreed if Mr. [redacted] felt he could handle it and it wouldn't be a strain with his prior medical issues."

"After several weeks of being assigned to his new position, Mr. [redacted] made a difference in the lives of each one of these individuals, and he took pride in his accomplishment. He provided strong leadership, mentoring and coaching. He rolled up his sleeves and although not required to do so went into the warehouse and performed inventories, packing and shipping support. He also oversaw the clearing of the temporary building DOL uses for storage of equipment. He provided outstanding leadership and support to the individuals assigned to the S&S Division: That level of leadership had been needed for a long time and he provided it. In the small amount of time he was assigned to this position, he truly made a difference "

In a statement received on March 2, 2011, the claimant noted as follows:

- Her husband in 2010 had heart stent surgery on March 16, was in the emergency room ICU on April 4, in the hospital on April 5 and had heart stent surgery on April 6<sup>th</sup>.
- In July 2010 her husband started a new position at work because another employee left but he still continued to perform his old job as property book officer (training another employee).
- In August 2010 her husband was debating whether to take the new job permanently because the stress would be too much and he wanted to spend time with his children.
- In September 2010 her husband was looking tired. He would come home with bruises on his arms. She stated that one of the guys at work punched him to see if he would bruise. In another incident a box had fallen on his head and he came home with two black eyes.
- In October 2010 her husband collapsed right after work after he was done with his duties at work that day.

In another memorandum from the employing agency dated March 11, 2011, Ms. [redacted] responded directly to the Office's development letter questions. Ms. [redacted] stated as follows:

- No injury occurred on the job, and Mr. [redacted] was not exposed to any hazardous materials. Mr. [redacted] was also not on federal property at the time of his death. Mr. [redacted] did report for duty on 1 October 2010 at 6:50 a.m. and left work at 4:35 pm. During that day he also earned 1.2 hours of credit time, in which I approved, time after the 8 hour day between the hours of 3:30 to 6:30 are recorded as credit, per union/regulatory guidance. See attached.
- No statements other than the ones provided will be provided, as there was no indication of any injury at work. Directorate of Logistics (DOL) personnel have indicated to me that Mr. [redacted] came to work on 10/1/2010 and it was a normal day for him. The only knowledge we have regarding Mr. [redacted] health is what was provided in terms of his Dr.'s medical documentation. Mr. [redacted] did not discuss his health condition with me or any other employees at length. He complained occasionally of having to have blood work done, because he was on a Coumadin (sp?).
- See attached for medical documentation. These are the only documents we have on file in the DOL.
- On 18 July 2010 Mr. [redacted] was temporarily promoted to the Chief of Supply and Services as a Supervisory Logistics Management Specialist with a not to exceed date of 20 November 2010. This temporary promotion was to backfill the Accountable Officer position until a new one was hired. Once the position was advertised, Mr. [redacted] applied for it, and was one of our top candidates interviewed.
- The position did not differ much from Mr. [redacted] previous position other than the additional duties as Supervisor (i.e. leave approval, attendance at meetings, and support to lower level employees). The jobs were similar in experience (Accountable Officer functions). Mr. [redacted] however, did get more involved with the workforce than his predecessor assisting them with the turn-in of equipment/clothing items in the Warehouse, etcetera. These were big projects, as it required sorting boots and uniforms and matching them by National Stock Numbers. At the time, Mr. [redacted] was assigned 3 additional Summer Hires personnel to assist the Warehouse Chief accomplish the sorting and turn-in of the equipment.
- Mr. [redacted] did complain of feeling stressed at times, but always joked about it, as we all do. Since the DOL is a customer focus/support organization - stress is inevitable. We often have to meet high priority/short fuse timelines in support of the Natick mission and every member of the DOL endures some form of stress as a result. Mr. [redacted] previous position as the Installation Property Book Officer (IPBO), prior to his promotion, seemed more stressful. Mr. [redacted] appeared to be more content and proud of what he was assigned to do in the temporary position.

