



## NOTICE – EMPLOYEES WITHOUT MSPB APPEAL RIGHTS

4/17/2009

[REDACTED]  
CARRIER

OWCP Claim Number: [REDACTED]  
Date of Injury: 7/21/1995; 9/15/1997

Subject: Notice of No Work Available

This is notification that the Postal Service has determined that there is no work available for you within the operational needs of the service. This determination is based on a comprehensive review of (1) current operational needs; (2) in accordance with ELM 546; (3) your current medical documentation for your work-related injury; and (4) a search for assignments within the local commuting area.

As a result of this determination, you are being placed into an administrative leave status, effective immediately. You will remain in an administrative leave status for your regularly scheduled work days until 5/1/2009.

If during this administrative leave period you present new medical documentation to the Manager, Health and Resource Management, the Reassessment Team will review this documentation and make a work assignment determination. If you are aware of work assignments that meet your current restrictions or if you believe that you can perform certain work assignments with an accommodation, please let us know as soon as possible by contacting Carol France, NRP Coordinator. We are willing to work with you to find necessary work that is available and does not exceed your current medical restrictions. We are also willing to discuss the reasons for this decision, as well as the supporting documents that led to this decision.

You and/or your representative may also submit your response to this proposal within ten (10) days from your receipt of this letter, in person, in writing, or both to Clinton Gill, Manager Health and Resource Management, 11251 Rancho Carmel Dr Rm 129, San Diego CA 92199-9403 between 8:00 a.m. and 4:00 p.m. You may also furnish affidavits or other written material to James Owens, SOM within ten (10) days from your receipt of this letter. After you had the opportunity to present new documentation or discuss this matter with the Postal Service, all the facts in this case, including any reply you submit, will be given full consideration before a decision is rendered. You will receive a written decision from Clinton Gill, Manager, Health and Resource Management.

If all conditions remain unchanged or a determination is made following a review of additional information that work is still not available within your restrictions in the local commuting area, you will then be placed in a Leave Without Pay (LWOP – Injured on Duty, IOD code 49) status effective 5/2/2009. Should you decide to apply for compensation payments from OWCP while in this LWOP-IOD status, you may complete the following forms:

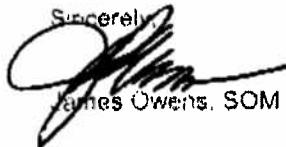
- Form CA-2a, "Notice of Recurrence." Items No. 1 through 24 should be completed by you as directed in the Instructions for Completing Form CA-2a.
- Form CA-7, "Claim for Compensation." Items No. 1 through 7 should be completed by you as directed in the Instructions for Completing Form CA-7.
- Form CA-7A, "Time Analysis Form." Items No. 1 through 6 should be completed by you as directed in the Instructions for Completing Form CA-7A.

These forms should be submitted to Klinton Gill, District Manager, Health and Resource Management, 11251 Rancho Carmel Dr Rm 129, San Diego CA 92199-9403 in person or by using the enclosed self-addressed pre-paid envelope. The Postal Service will then promptly forward the forms to OWCP for processing.

In addition, the Postal Service determined that your local commuting area consists of the fifty miles surrounding your current work location. If you believe this does not represent an appropriate search area, you have five (5) days from your receipt of this letter to identify, in writing, your requested search area. This written documentation indicating your search area should be sent to Klinton Gill, Manager, Health and Resource Management, 11251 Rancho Carmel Dr Rm 129, San Diego CA 92199-9403. Upon receipt of your documentation, a telephonic or in-person meeting will be scheduled with you to discuss your requested local search area. Based on this meeting, if needed, the Postal Service will immediately search for available necessary work that does not exceed your current medical restrictions within the newly agreed upon search area. If no response is received within the allotted period of time, it is assumed that you agree with the Postal Service's determination of your local commuting area and no further action will be taken.

If you have any questions concerning the LWOP-IOD status, the completion of either the CA-2a, CA-7, CA-7A or the local commuting area, please contact the Manager, Health and Resource Management at (858) 674-0465.

Sincerely,



James Owens, SOM

cc: Manager, Health and Resource Management  
OWCP  
(Union/Association copy)  
IC File

Enclosure: self addressed envelope

Code 49 -