



DEC 4 1992

File Number:

William P. Sims Jr. President  
California American Postal Workers  
Union AFL-CIO  
3120 University Avenue  
San Diego, California 92104

Dear Mr. Sims:

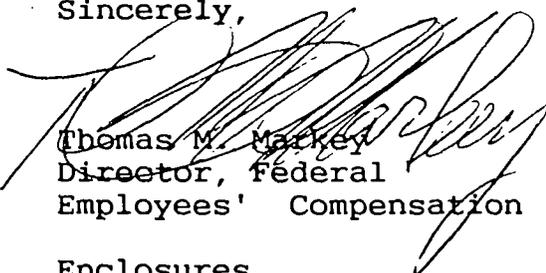
I am writing in reply to your letter of November 20 in which you posed a series of questions. Below, I have provided the answers.

There are no annotations, codes, or any identifying marks of any kind, type, or description that denote materials such as video tapes or investigative memorandums or other reports or materials that may pertain to the case file. It is true that reports generated by investigative bodies, including the Postal Inspection Service, are considered confidential information if they are so labeled by the investigative body, and may not be released without the consent of the furnishing agency, primarily because the information is considered the property of the other agency. However, in recent years, the Office of Workers' Compensation Programs (OWCP) has informed Federal agencies of its position that any evidence, including investigative materials, that they want OWCP to use in arriving at a decision on a claim becomes part of the case record and therefore becomes discloseable by OWCP. If any agency still submits materials labeled confidential, Chapter 2-300, section 7-d, of the FECA Procedure Manual applies and the information is kept separated from the case file; however such material is not considered in OWCP's decision.

A free copy of the FECA Procedure Manual index has been provided to your National Office in Washington, D.C. Additional copies may be purchased for \$7.00. Enclosed, you will find the copies of the three Employees' Compensation Appeals Board Decisions you requested.

I trust you find the above responsive to your concerns.

Sincerely,



Thomas M. Mackey  
Director, Federal  
Employees' Compensation

Enclosures



CALIFORNIA  
AMERICAN POSTAL WORKERS UNION  
AFL-CIO

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William P. Sims  
President

Kenneth G. Floyd  
Vice President

November 20, 1992

FREEDOM OF INFORMATION ACT REQUEST

Tom Markey  
Director FEC  
Office of Worker's Compensation Programs  
200 Constitution Avenue, NW  
Washington, DC 20210

Dear Mr. Markey,

I am requesting answers to the below listed questions. Presently, I have a case at Hearing and Review. I need the answers in order to determine appropriate action on the case.

1. Are there annotation(s), code(s) or any identifying marks entered into the computerized Federal Employee Compensation System (FECS) that denote materials such as video tapes or investigative memorandums or other reports or materials that may pertain to the case file but not be maintained in the hard copy case file?
2. Are such annotations, codes or other identifying marks also placed in or on the hard copy case file, jacket or CA-800?
3. If there are such annotations, codes or other identifying marks placed in the FECS or in or on the hard copy case file, are they uniform office wide or do they change from district office to district office?
4. Under section 2-300, 7-d of the FECA Procedure Manual, does the office consider reports generated by the U.S. Postal Inspection Service to be "confidential information as described by the Privacy Act?" This includes all reports known as investigative memorandums or by any other name.
5. If the answer to question 4 is no, would such Postal Inspection Reports fall under FECA procedure manual, paragraph 2-300, 7-c?

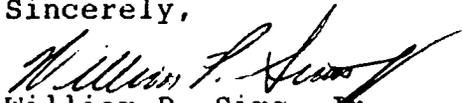
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Tom Markey  
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Under the Freedom of Information Act I request a copy of the FECA Procedure Manual index. Also, please provide a copy of the below listed ECAB decisions:

Edward T. Lowery	8 ECAB 745
Virgil Hilton	DKT 85-147 8-4-86
Virgil Hilton	DKT 85-1971 8-26-86

Thank you for your cooperation in this matter.

Sincerely,

  
William P. Sims, Jr.  
President

WPS/dd

cc: file