

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MONICA A. VITLAR and DEPARTMENT OF VETERANS AFFAIRS,
VETERANS ADMINISTRATION MEDICAL CENTER, Allen Park, MI

*Docket No. 98-873; Submitted on the Record;
Issued April 20, 2000*

DECISION and ORDER

Before GEORGE E. RIVERS, DAVID S. GERSON,
A. PETER KANJORSKI

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 decision of the Office of Workers' Compensation Programs' hearing representative, dated and finalized on December 10, 1997, 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's allegations involve the employing establishment's administration of personnel matters such as the handling of leave, the assignment of office space, performance evaluations, work assignments and disciplinary actions, which are not generally considered to be compensable factors of employment unless appellant is able to show error or abuse by the employing establishment in the administration of such personnel matters; *see Abe E. Scott*, 45 ECAB 164 (1993). The Board finds that appellant has not shown error or abuse on behalf of the employing establishment. Furthermore, the Board notes its agreement with the Office hearing representative that the "hostile" email message of June 16, 1994 did not concern appellant's regular or specially assigned duties.

The decision of the Office of Workers' Compensation Programs dated December 10, 1997 is hereby affirmed.

Dated, Washington, D.C.
April 20, 2000

George E. Rivers
Member

David S. Gerson
Member

A. Peter Kanjorski
Alternate Member