

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of LEE E. BOUTON and U.S. POSTAL SERVICE,  
POST OFFICE, Wells, ME

*Docket No. 99-2529; Submitted on the Record;  
Issued January 10, 2001*

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DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,  
MICHAEL E. GROOM

The issue is whether appellant sustained an emotional condition while in the performance of duty.

On October 5, 1997 appellant, a 51-year-old modified PTF clerk, filed a notice of occupational disease and claim for compensation (Form CA-2) alleging that he sustained an emotional condition while in the performance of duty. He described the nature of his condition as bipolar affective disorder. Appellant ceased work on June 23, 1997 after experiencing a manic episode, which he attributed to an assignment he received earlier that day.

After further development of the record, the Office of Workers' Compensation Programs issued a decision on September 29, 1998 denying appellant's claim for compensation. The Office found that appellant failed to establish that his claimed emotional condition arose in the performance of duty.

The Board finds that appellant failed to establish that he sustained an emotional condition while in the performance of duty.

In order to establish that he sustained an emotional condition causally related to factors of his federal employment, appellant must submit: (1) factual evidence identifying and supporting employment factors or incidents alleged to have caused or contributed to his condition; (2) rationalized medical evidence establishing that he has an emotional condition or psychiatric disorder; and (3) rationalized medical opinion evidence establishing that his emotional condition or psychiatric disorder is causally related to the identified compensable employment factors.<sup>1</sup>

Workers' compensation law does not apply to each and every injury or illness that is somehow related to one's employment. There are situations where an injury or illness has some

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<sup>1</sup> See Kathleen D. Walker, 42 ECAB 603 (1991).

connection with the employment, but nevertheless, does not come within the purview of workers' compensation. When disability results from an emotional reaction to regular or specially assigned work duties or a requirement imposed by the employment, the disability is deemed compensable. Disability is not compensable, however, when it results from factors such as an employee's fear of a reduction-in-force or frustration from not being permitted to work in a particular environment or hold a particular position.<sup>2</sup> Perceptions and feelings alone are not compensable. To establish entitlement to benefits, a claimant must establish a basis in fact for the claim by supporting his allegations with probative and reliable evidence.<sup>3</sup>

Appellant indicated that upon arriving at work on June 23, 1997, he found a pile of bulk mail dumped around his desk with instructions from the postmaster to get the mail copied and returned to the carriers that same day. He explained that he became very agitated and upset and started kicking furniture and throwing things around the office. Thereafter, appellant began to make the requested copies. He stated that he "soon realized what an overwhelming prospect this was" and that there was "obviously no way [he] could get more than a fraction of [the work done] in time." Appellant indicated that he "developed an overwhelming urge to smash the photocopy machine to smithereens." After concluding that he had reached a "dangerous state of mind," appellant explained that he punched out and went home.

The Board has held that an emotional reaction to a situation in which an employee is trying to meet his position requirements is compensable.<sup>4</sup> Additionally, employment factors such as an unusually heavy workload and the imposition of unreasonable deadlines are covered under the Federal Employees' Compensation Act.<sup>5</sup> In the instant case, however, appellant has not established that he was subjected to an unusually heavy workload or that an unreasonable deadline had been imposed with respect to his June 23, 1997 assignment. Although appellant may have perceived otherwise, there is no indication from the record that the assignment could not have been completed within the established timeframe. Based on his own admission, appellant expressed a feeling of agitation immediately upon receiving the assignment and it does not appear that he made much of an effort to complete his assigned duties. The Board also notes that appellant's rehabilitation specialist, Nancy E. Bogg, reported that during a June 24, 1997 conversation appellant stated that "what set him off was not the workload," but the note from the postmaster.<sup>6</sup> Furthermore, appellant's psychiatrist, Dr. Marie Guay, attributed his recent manic episode to his unilateral decision to discontinue his medication.

As previously indicated, perceptions and feelings alone are not compensable. As the record fails to establish that the employing establishment burdened appellant with an unusually

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<sup>2</sup> *Lillian Cutler*, 28 ECAB 125 (1976).

<sup>3</sup> *Ruthie M. Evans*, 41 ECAB 416 (1990).

<sup>4</sup> See *Georgia F. Kennedy*, 35 ECAB 1151, 1155 (1984); *Joseph A. Antal*, 34 ECAB 608, 612 (1983).

<sup>5</sup> See *Georgia F. Kennedy*, *supra* note 4.

<sup>6</sup> Appellant inferred from the postmaster's actions that the work was being assign to him so that the postmaster could escape blame for the untimely delivery of the mail. Appellant perceived himself as a convenient scapegoat because of his prior history of mental illness.

heavy workload or imposed an unreasonable deadline, appellant's claimed emotional reaction to his June 23, 1997 assignment is not compensable under the Act. Inasmuch as appellant failed to implicate a compensable employment factor as a cause for his claimed emotional condition, the Office properly denied his claim without addressing the medical evidence of record.<sup>7</sup>

The September 29, 1998 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC  
January 10, 2001

Michael J. Walsh  
Chairman

David S. Gerson  
Member

Michael E. Groom  
Alternate Member

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<sup>7</sup> Unless a claimant establishes a compensable employment factor, it is unnecessary to address the medical evidence of record. *Gary M. Carlo*, 47 ECAB 299, 305 (1996).