U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of SANDRA G. QUARTEMONT, claiming as widow of LEE A. QUARTEMONT and U.S. POSTAL SERVICE, POST OFFICE, Milwaukee, Wisc.

Docket No. 95-1549; Submitted on the Record;
Issued January 13, 1998

DECISION and ORDER

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

The issue is whether appellant met her burden of proof to establish that the employee's death by suicide on September 18, 1991 was causally related to factors of his employment.

The Board finds that appellant did not meet her burden of proof to establish that the employee's death by suicide on September 18, 1991 was causally related to factors of his employment.

Appellant has the burden of proving by the weight of the reliable, probative and substantial evidence the existence of a causal relation between the employee's suicidal death and factors of his employment.[1] This burden includes the necessity of furnishing medical opinion evidence, based on a complete factual and medical history, sufficient to establish the existence of causal relationship.[2] In determining whether an employee's suicide is causally related to employment factors, the Office of Workers' Compensation Programs has adopted the "chain-of-causation" test.[3] However, there is no basis on which to apply the chain-of-causation test unless there was a work-related injury or condition which allegedly gave rise to sufficient pain and despair to result in the suicidal compulsion.[4]

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[1] In the present case, appellant's husband, the employee, had worked as a letter box mechanic for the employing establishment.

[2] *Tess Mazer (Louis Mazer)*, 29 ECAB 582, 583 (1978).

[3] *See Carolyn King Palermo (Travis Palermo)*, 42 ECAB 435 (1991). In *Palermo* the Board provided an extensive discussion regarding the burden of proof in a suicidal death claim; see also Federal Employees' Compensation Act (FECA) Procedure Manual, Part 2 -- Claims, *Performance of Duty*, Chapter 2.804.15 (March 1994).

[4] *See Elaine D. Brewer (John F. Brewer)*, 42 ECAB 929, 933 (1991).

Appellant alleged that a work-related emotional condition, depression and anxiety, led to the September 18, 1991 suicide of the employee and claimed that, therefore, she was entitled to survivor's benefits from the Office. Appellant asserted that the employee sustained an emotional condition after receiving an unwarranted letter of warning on February 25, 1991 in connection with a minor vehicular accident at work. By decision dated January 24, 1992, the Office denied appellant's claim on the grounds she did not establish that the employee's death by suicide on September 18, 1991 was causally related to factors of his employment; by decisions dated October 29, 1992 and December 9, 1994, the Office affirmed its January 24, 1992 decision.

The Board notes appellant did not establish that the employee sustained an emotional condition due to employment factors. To establish that an emotional condition was sustained in the performance of duty, the Board has held that there must be medical evidence establishing that the employee had an emotional or psychiatric disorder; factual evidence identifying employment factors or incidents alleged to have caused or contributed to the condition; and rationalized medical evidence establishing that the identified compensable employment factors are causally related to the emotional condition.[5] Consequently, there must be medical evidence establishing that an emotional condition exists and that the condition is work related.

Where the disability results from an employee's emotional reaction to his regular or specially assigned duties or to a requirement imposed by the employment, the disability comes within the coverage of the Act.[6] On the other hand, the disability is not covered where it results from such factors as an employee's fear of a reduction in force or his frustration from not being permitted to work in a particular environment or to hold a particular position.[7] If a claimant does implicate a factor of employment, the Office should then determine whether the evidence of record substantiates that factor. When the matter asserted is a compensable factor of employment and the evidence of record establishes the truth of the matter asserted, the Office must base its decision on an analysis of the medical evidence.[8]

Regarding appellant's allegation that the employing establishment issued the employee an unfair disciplinary letter, the Board finds that this allegation relates to an administrative or personnel matter, unrelated to the employee's regular or specially assigned work duties and does not fall within the coverage of the Act.[9] Although the handling of disciplinary matters is generally related to the employment, it is an administrative function of the employer, and not a duty of the employee.[10] However, the Board has also found that an administrative or personnel

[5] *See Donna Faye Cardwell*, 41 ECAB 730, 741-42 (1990).

[6] 5 U.S.C. §§ 8101-8193.

[7] *See Thomas D. McEuen*, 41 ECAB 387 (1990), *reaff'd on recon.*, 42 ECAB 566 (1991); *Lillian Cutler*, 28 ECAB 125 (1976).

[8] *Id.*

[9] *See Jimmy Gilbreath*, 44 ECAB 555, 558 (1993); *Apple Gate*, 41 ECAB 581, 588 (1990); *Joseph C. DeDonato*, 39 ECAB 1260, 1266-67 (1988).

[10] *Id.*

matter will be considered to be an employment factor where the evidence discloses error or abuse on the part of the employing establishment. In determining whether the employing establishment erred or acted abusively, the Board has examined whether the employing establishment acted reasonably.[11] Appellant did not submit sufficient evidence to establish that the employing establishment committed error or abuse in connection with its issuance of the February 25, 1991 letter of warning. As a result of a grievance settlement, the letter of warning was reduced to an official discussion, but the settlement clearly indicated that this resolution was made without prejudice to the employing establishment. The mere fact that personnel actions were later modified or rescinded, does not in and of itself, establish error or abuse.[12] Appellant submitted statements in which coworkers of the employee indicated that they did not receive letters of warning for their own vehicular accidents at work, but these statements would not show that it was improper for the employing establishment to issue a letter of warning in the employee's particular case.[13] Thus, appellant has not established a compensable employment factor under the Act in this respect.

For the foregoing reasons, appellant has not established any compensable employment factors under the Act and, therefore, has not shown that the employee sustained an emotional condition in the performance of duty.[14] Until it is established that the employee had a work-related condition or injury, it is premature to address whether the alleged condition or injury gave rise to the suicide.[15] For these reasons, appellant did not establish that the employee's death by suicide on September 18, 1991 was causally related to factors of his employment.

[11] *See Richard J. Dube*, 42 ECAB 916, 920 (1991).

[12] *Michael Thomas Plante*, 44 ECAB 510, 516 (1993).

[13] The employing establishment submitted several statements in which it detailed its issuance of letters of warning; the record contains a letter of warning for unsafe driving which was issued to a coworker of the employee on February 25, 1991, the same date on which the letter of warning was issued to the employee.

[14] As appellant has not established any compensable employment factors, the Board need not consider the medical evidence of record; *see Margaret S. Krzycki*, 43 ECAB 496, 502-03 (1992).

[15] *See Idella Whitaker (Shirley Whitaker)*, 38 ECAB 473, 479 (1987).

The decision of the Office of Workers' Compensation Programs dated December 9, 1994 is affirmed.

Dated, Washington, D.C.
January 13, 1998

Michael J. Walsh
Chairman

David S. Gerson
Member

Michael E. Groom
Alternate Member