

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ALBERT K. IGNACIO and DEPARTMENT OF VETERANS AFFAIRS,
HILO VETERANS CENTER, Hilo, Hawaii

*Docket No. 96-2323; Submitted on the Record;
Issued October 21, 1998*

DECISION and ORDER

Before GEORGE E. RIVERS, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant sustained an emotional condition in the performance of duty causally related to factors of his employment.

On April 25, 1996 appellant, then a 62-year-old social worker, filed a claim alleging job stress as a result of his employment duties. He attributed his claimed emotional condition to: recalling his own war experiences while listening to veterans discuss their war experiences, being punched in the face by a disgruntled veteran on February 25, 1993,¹ a January 19, 1995 confrontation with a supervisor who was finding fault with his performance,² and becoming angry on April 10, 1996 after reading a report by a social worker who had visited the employing establishment and noted that appellant sometimes loaned money to veterans although it was against regulations for him to do so.

In a report dated March 19, 1996, a social worker conducting an evaluation of the counseling services provided for veterans at the employing establishment noted a possible ethical problem involving appellant's loaning of his money to veterans whom he was counseling. He noted that the veterans sometimes took appellant and his wife out to dinner to thank them for the loan.³

In a report dated April 19, 1996, Dr. Curtiss B. Wright, an employing establishment staff psychiatrist, provided a history of appellant's condition. He related that appellant had recurrent distressing recollections of traumatic war experiences and recurrent dreams of these experiences.

¹ The record shows that the Office of Workers' Compensation Programs had accepted this February 25, 1993 incident in a separate claim and paid appropriate medical benefits.

² The record shows that this January 19, 1995 incident was developed as a separate claim and was denied.

³ Appellant indicated in his statements regarding the causes of his condition that he did not like the implication in this report that he loaned money to veterans for some personal gain.

Dr. Wright related that when appellant began working at the employing establishment with veterans he recalled his own war experiences and his own post-traumatic stress disorder. He diagnosed post-traumatic stress disorder, chronic, severe, with severe exacerbation secondary to job-related stressors and alcohol dependency secondary to post-traumatic stress disorder.

In a report dated May 2, 1996, Dr. John C. Mebane, a Board-certified psychiatrist, provided a history of appellant's condition and noted that in March 1993 he was assaulted in his office by a veteran and that in recent weeks the accumulated stress of his work reached a point where he had become physically and psychologically unable to continue. He stated that appellant was a tense, anxious, and depressed individual agitated over his present situation and his inability to cope with the demands of his work. Dr. Mebane diagnosed major depressive disorder, recurrent, and post-traumatic stress disorder, chronic, severe and indicated that appellant was permanently disabled for work and continued to require psychiatric treatment. He stated:

“[Appellant] entered his employment as a veterans’ counselor with a substantial preexisting level of unresolved symptoms of post-traumatic stress as a result of combat duty in Korea. Nevertheless, because of his strength of character, he was able to continue his very stressful counseling of traumatized veterans for a substantial period of time. His work gradually aggravated his condition to the point where he now is permanently disabled, should not return to this work, or to any employment for the foreseeable future and should be processed for disability retirement.”

By decision dated July 10, 1996, the Office denied appellant's claim on the grounds that the evidence of record failed to establish that he sustained any condition causally related to compensable factors of his employment. The Office failed to consider appellant's allegation that one of the factors contributing to his emotional condition was the stress of reliving his own war experiences while listening to veterans recount their war experiences.

The Board finds that this case is not in posture for a decision.

In cases involving emotional conditions, the Board has held that, when working conditions are alleged as factors in causing a condition or disability, the Office, as part of its adjudicatory function, must make findings of fact regarding which working conditions are deemed compensable factors of employment and are to be considered by a physician when providing an opinion on causal relationship and which working conditions are not deemed factors of employment and may not be considered.⁴ 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.⁵

⁴ See *Margaret Krzycki*, 43 ECAB 496, 502 (1992); *Norma L. Blank*, 43 ECAB 384, 389-90 (1992).

⁵ *Id.*

In this case, the Office addressed the compensability of some of the factors alleged by appellant as contributing to his emotional condition but the Office failed to make a decision on whether appellant's emotional reaction to listening to veterans talk about their war experiences causing him to recall his own war experiences was a compensable factor of employment. In addition, the Office did not make a determination of whether the stress appellant alleged that resulted from his supervisors and other employing establishment personnel confronting him on having made a loan to a veteran who committed suicide was a compensable factor of employment. Neither did the Office make a finding of whether being punched in the face in 1993 by a veteran contributed to appellant's post-traumatic stress syndrome. On remand the Office should determine whether the above-mentioned factors constitute compensable factors of employment and, if so, whether the medical evidence establishes that appellant's condition is causally related to these factors or any other compensable factors of employment.

The July 10, 1996 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further development consistent with this decision of the Board.

Dated, Washington, D.C.
October 21, 1998

George E. Rivers
Member

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member