

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of SHARON A. SUPRUM and DEPARTMENT OF THE ARMY,  
PENTAGON CIVIL PERSONNEL OFFICE, Washington, D.C.

*Docket No. 96-1070; Submitted on the Record;  
Issued September 17, 1998*

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DECISION and ORDER

Before WILLIE T.C. THOMAS, MICHAEL E. GROOM,  
BRADLEY T. KNOTT

The issue is whether appellant has met her burden of proof in establishing that she developed an emotional condition due to factors of her federal employment.

The Board has duly reviewed the case on appeal and finds that appellant has not met her burden of proof in establishing that she developed an emotional condition due to factors of her federal employment.

Appellant filed a claim on August 21, 1992 attributing her emotional condition to her federal employment. The Office of Workers' Compensation Programs denied her claim by decision dated March 29, 1993. Appellant requested an oral hearing and by decision dated November 10, 1993, the hearing representative denied appellant's claim. Appellant requested reconsideration on March 3, 1994, February 20 and September 1, 1995. The Office denied modification of its prior decisions on September 22, 1994, April 4 and November 9, 1995 respectively.

Workers' compensation law does not apply to each and every injury or illness that is somehow related to an employee's employment. There are situations where an injury or illness has some connection with the employment but nevertheless does not come within the concept 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 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 to hold a particular position.<sup>1</sup>

In this case, appellant alleged that she developed her emotional condition due to an internal investigation, supervision by her superiors, leave usage, transfer to alternative duty

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<sup>1</sup> *Lillian Cutler*, 28 ECAB 125, 129-31 (1976).

stations, and the denial of training. As a general rule, an employee's emotional reaction to an administrative or personnel matter is not covered under the Federal Employees' Compensation Act. But error or abuse by the employing establishment in what would otherwise be an administrative or personnel matter, or evidence that the employing establishment acted unreasonably in the administration of a personnel matter, may afford coverage. In determining whether the employing establishment erred or acted abusively, the Board has examined whether the employing establishment acted reasonably.<sup>2</sup> In this case, appellant has submitted no evidence supporting her allegation that the employing establishment acted unreasonably in these matters.

Appellant also alleged that she was subject to harassment due to calls made to an employing establishment hot line and discrimination by the employing establishment. For harassment or discrimination to give rise to a compensable disability under the Act, there must be evidence that harassment or discrimination did, in fact, occur. Mere perceptions of harassment or discrimination are not compensable under the Act. Unsubstantiated allegations of harassment or discrimination are not determinative of whether such harassment or discrimination occurred. To establish entitlement to benefits, a claimant must establish a factual basis for the claim by supporting his or her allegations with probative and reliable evidence.<sup>3</sup> Appellant has submitted no evidence establishing that the alleged harassment occurred. Therefore, she failed to establish this factor of employment.

Appellant also alleged that she was overworked that she was publicly ridiculed and that she was under pressure to alter decisions. Although the allegations can constitute factors of employment under the Act, appellant has failed to submit the necessary factual evidence to establish that the events occurred as alleged.

Appellant has established that she developed an aggravation of her preexisting condition dyspnea due to the environment at the employing establishment, that on two occasions her supervisor raised his voice to her causing her to cry on or after 1987; and that appellant and a coworker had a disagreement regarding work in 1995. These constitute factors of employment.<sup>4</sup>

As appellant has established factors of employment, the Board must review the medical evidence. Dr. Purnima P. Joshi, a Board-certified family practitioner, submitted reports indicating that he had treated appellant for several years and diagnosing severe manic depressive psychosis. He noted that he first examined appellant in 1983 while she was working in a previous position at which time he attributed her condition to frequent overtime and work load requirements as well as job stress attributable to supervisory management style. He stated in 1987 appellant experienced mood swings and depression due to work load, internal office conflicts and emotional abuse due to a claim for workers' compensation. Appellant has not established that she was overworked or that she was emotionally abused due to her workers' compensation claim. Furthermore, appellant has not established internal office conflict prior to

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<sup>2</sup> *Martha L. Watson*, 46 ECAB 407 (1995).

<sup>3</sup> *Alice M. Washington*, 46 ECAB 382 (1994).

<sup>4</sup> *Janet D. Yates*, 49 ECAB \_\_\_\_ (Docket No. 95-2859, issued December 19, 1997).

1995 or error in supervisory management style prior to 1987. As Dr. Joshi's report does not specifically address the accepted factors of employment, it fails to provide sufficient medical rationale to meet appellant's burden of proof.

In a report dated January 27, 1994, Dr. Ellen J. Labelle, a Board-certified psychiatrist, diagnosed severe bipolar disorder. She reviewed the employment factors alleged by appellant including the accepted factor of a physical condition. However, Dr. Labelle did not offer an opinion describing the causal relationship between her emotional condition and factors of her federal employment.

The remainder of the medical evidence in support of appellant's claim is not sufficient to meet her burden of proof as it fails to address the accepted factors of employment.

The decision of the Office of Workers' Compensation Programs dated November 9, 1995 is hereby affirmed.

Dated, Washington, D.C.  
September 17, 1998

Willie T.C. Thomas  
Alternate Member

Michael E. Groom  
Alternate Member

Bradley T. Knott  
Alternate Member