

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JOYCE E. SNOW and U.S. POSTAL SERVICE,
POST OFFICE, Las Vegas, Nev.

*Docket No. 98-378; Submitted on the Record;
Issued June 18, 1999*

DECISION and ORDER

Before WILLIE T.C. THOMAS, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant's severe hypertension and congestive heart failure arose out of and in the course of her federal employment.

In a decision dated July 25, 1997, the Office of Workers' Compensation Programs denied appellant's claim of an occupational disease or illness on the grounds that none of the incidents to which she attributed her condition were compensable factors of employment. The Office further found that appellant had submitted no medical opinion evidence to support that any of these incidents caused or contributed to her claimed condition.

The Board finds that appellant has failed to make a *prima facie* case for compensation benefits.

A claimant seeking compensation under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of her claim by the weight of the reliable, probative, and substantial evidence,² including that she is an "employee" within the meaning of the Act³ and that she filed her claim within the applicable time limitation.⁴ The claimant must also establish that she sustained an injury in the performance of duty as alleged and that her

¹ 5 U.S.C. §§ 8101-8193.

² *Nathaniel Milton*, 37 ECAB 712 (1986); *Joseph M. Whelan*, 20 ECAB 55 (1968) and cases cited therein.

³ *Kenneth W. Grant*, 39 ECAB 208 (1987); *James E. Lynch*, 32 ECAB 216 (1980); *Emiliana de Guzman (Mother of Elpedio Mercado)*, 4 ECAB 357 (1951); *see* 5 U.S.C. § 8101(1).

⁴ *Paul S. Devlin*, 39 ECAB 715 (1988); *Emmet L. Pickens*, 33 ECAB 1807 (1982); *Kathryn A. O'Donnell*, 7 ECAB 227 (1954); *see* 5 U.S.C. § 8122.

disability for work, if any, was causally related to the employment injury.⁵ These are the essentials of a *prima facie* case.

The Office procedure manual provides that a person claiming compensation must show sufficient cause for the Office to proceed with processing and adjudicating a claim. The Office has the obligation to aid in this process by giving detailed instructions for developing the required evidence. The Office also has a responsibility to develop evidence, particularly when it is the type of information normally obtained from an employing establishment or other government source. In all cases, the claimant must submit the essentials of a *prima facie* case, which are as follows: (1) statutory time requirements have been satisfied; (2) the injured or deceased party was a federal employee; (3) the occurrence of the injury; (4) the injury occurred in the performance of duty (the claimant must show not only that an injury occurred but that he or she was performing official duties, or activity appropriately related to the employment, at the time of injury); and (5) the disability or death was caused by the injury claimed.⁶

The evidence generally required to establish causal relationship is rationalized medical opinion evidence. The claimant must submit a rationalized medical opinion that supports a causal connection between her current condition and the employment incident. The medical opinion must be based on a complete factual and medical background with an accurate history of the incident and must explain from a medical perspective how the current condition is related to the incident.⁷

When the Office issued its July 25, 1997 decision denying appellant's claim, the record contained no medical evidence relating appellant's condition to her federal employment. Having failed to support her claim with a reasoned medical opinion discussing how the implicated factors of employment caused or contributed to her diagnosed medical condition, having failed to submit even a medical form report with a checkmark to support the critical element of causal relationship,⁸ appellant has failed to submit the essentials of a *prima facie* case. For this reason the Board will affirm the Office's July 25, 1997 decision.⁹

The Board further notes that the Office denied appellant's claim on the grounds that the employment factors to which she attributed her condition were not compensable. Appellant explained that her condition arose from carrying out her duties as acting chairperson of the Stamp Destruction Committee. The appointed chairperson met with her to explain her responsibilities and provided copies of a postal bulletin and revisions to a handbook governing stamp stock destruction procedures. The handbook stated that nonsalable stock consisted of damaged or obsolete stock, stamped paper exchanged by customers and certain forms. The

⁵ *Elaine Pendleton*, 40 ECAB 1143 (1989); see *Daniel R. Hickman*, 34 ECAB 1220 (1983).

⁶ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Development of Claims*, Chapter 2.800.3(a) (April 1993).

⁷ *John A. Ceresoli, Sr.*, 40 ECAB 305 (1988).

⁸ *Robert P. Bourgeois*, 45 ECAB 745 (1994) (finding that form reports barely supporting the element of causal relationship completed the essentials of a *prima facie* case).

⁹ See *Mason B. Patten*, 6 ECAB 829 (1954); *Ernest H. Powell, Jr.*, 7 ECAB 858 (1955).

handbook stated: “Full panes of commemorative or regular stamps that are excess to the needs of the post office should be returned as salable stock to the SDO [Stamp Distributing Office].” Appellant prepared a memorandum regarding these revised stamp stock destruction procedures for the manager’s signature. The acting postmaster and acting district manager of [employing establishment] operations concurred with the memorandum’s instructions. Appellant asserted that upon receiving this memorandum managers and postmaster began calling immediately. Most were extremely upset with the instructions, she stated. Some became irate and verbally abusive. Appellant further stated that she received cartons that had improper forms attached, that were not properly consolidated and that had missing item numbers.

It is well established that when disability results from an emotional reaction to regular or specially assigned work duties or to a requirement imposed by the employment, the disability is compensable.¹⁰ To the extent that appellant implicates the duties she performed on behalf of the stamp destruction committee, she has implicated a compensable factor of employment, that is, a factor of employment that comes within the scope of coverage of the Act. Without medical evidence supporting that these duties caused or contributed to her medical condition, appellant has not made a *prima facie* case.

Appellant also implicates the actions of her manager, who instructed her to dispose of excess salable stock because of a shortage of clerks. Appellant stated that she felt that no one at the district or area level had the authority to change official procedures and that the guidelines were clear: The destruction committee had authority to shred only damaged, obsolete and redeemed stock only. The manager stated nonetheless that she did not want any cartons returned because they included excess salable stock. Appellant became upset and immediately had a terrible headache. The manager also seemed extremely annoyed, appellant stated, upon learning that cartons were not consolidated. The supervisor who was required to make the corrections also appeared annoyed and was very obnoxious. Other committee members became angry. Appellant stated that on January 30, 1997 all she could think about was how unfairly everything was handled.

Generally, an employee’s emotional reaction to an administrative or personnel matter is not compensable. 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.¹¹ To the extent that appellant implicates the actions of the manager or supervisor or other higher-level employees, her emotional reaction and medical condition are not compensable absent evidence demonstrating administrative error or abuse or unreasonableness.

The July 25, 1997 decision of the Office of Workers’ Compensation Programs is affirmed as modified.¹²

¹⁰ *Lillian Cutler*, 28 ECAB 125, at 129, 131 (1976).

¹¹ *Norman A. Harris*, 42 ECAB 923 (1991).

¹² Following the Office’s July 25, 1997 decision denying her claim, appellant submitted medical opinion evidence but did not request a hearing before an Office hearing representative or reconsideration from the district Office. The

Dated, Washington, D.C.
June 18, 1999

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member

Board's jurisdiction is limited to reviewing the evidence that was before the Office at the time of its final decision. 20 C.F.R. § 501.2(c). The Board therefore has no jurisdiction to review the medical opinion evidence submitted after the Office's July 25, 1997 decision.