

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of RAY E. SHOTWELL, JR. and U.S. POSTAL SERVICE,
POST OFFICE, Nashville, TN

*Docket No. 99-2032; Submitted on the Record;
Issued September 12, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, A. PETER KANJORSKI,
VALERIE D. EVANS-HARRELL

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

On November 25, 1998 appellant, a 46-year-old distribution 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 major depression and explained that he suffered from sleeplessness, headaches and nausea. Appellant further explained that he resented, and even hated, the people he worked with and that his feelings of hatred also extended to the mailing public due to their mistakes and ignorance. He identified February 15, 1998 as the date he first realized his illness was caused or aggravated by his employment. Appellant ceased working on October 31, 1998.

In a supplemental statement, appellant indicated that his tolerance for people and the mail had gone down hill over the past two years. He explained that when he had to work "bad mail" or "incorrect mail" he became irritated and upset over mail with wrong zip codes, missing addresses and mail with no return address. Appellant stated that this "tears [him] up inside" and makes him want to tell the mailing public just how stupid they are. He also expressed disdain for most of his coworkers, who he described as "lazy slobs" and people who "slide along day to day." Appellant explained that he was angry and frustrated by both his colleagues and the "stupid customers who never seem to know how to mail their mail properly." He further indicated a desire to hurt people, but explained that he did not want to kill anyone because he was not a "nut case." Appellant stated that he just wanted people to do their jobs right so that he would not have to do the work for them. He also explained that the frequent change in supervision over the past year did not help to resolve any problems, but simply added to the confusion.

Appellant also submitted treatment records from Dr. Steven R. Nyquist, a Board-certified psychiatrist, who diagnosed appellant as suffering from severe depression. In a letter dated November 4, 1998, Dr. Nyquist recommended that appellant take an indefinite medical leave of

absence for his work-related and stress-related disability.

After further development of the record, the Office of Workers' Compensation Programs issued a decision on April 1, 1999 denying appellant's claim for compensation. The Office explained that appellant failed to implicate any compensable employment factors and thus, failed to establish that his claimed emotional condition occurred 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.¹

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 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.² 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.³

It is apparent from the statements provided by appellant that he dislikes and even abhors the work he is required to perform. Appellant is also apparently angered and frustrated by what he perceives as laziness and the lack of a work ethic exhibited by some of his coworkers. What appellant has described is a basic disdain for his work environment and an apparent desire to work elsewhere. However, appellant has failed to identify any compensable employment factors as the cause of his claimed emotional condition. The Board has also held that an employee's dissatisfaction with working in an environment which is considered to be tedious, monotonous, boring or otherwise undesirable constitutes frustration from not being permitted to work in a particular environment or to hold a particular position.⁴ As previously noted, an employee's frustration from not being permitted to work in a particular environment is not compensable.⁵

¹ See *Kathleen D. Walker*, 42 ECAB 603 (1991).

² *Lillian Cutler*, 28 ECAB 125 (1976).

³ *Ruthie M. Evans*, 41 ECAB 416 (1990).

⁴ *David M. Furey*, 44 ECAB 302, 305-06 (1992).

⁵ See *Lillian Cutler*, *supra* note 2.

Furthermore, the Board has held that an employee's dissatisfaction with holding a position in which he feels underutilized, performing duties for which he feels overqualified or holding a position which he feels to be unchallenging or uninteresting is not compensable under the Federal Employees' Compensation Act.⁶ Accordingly, appellant's disdain for his particular duties, the mailing public and his coworkers does not constitute a compensable employment factor.

Additionally, appellant's allegation that the frequent rotation of supervisors contributed to the confusion at work similarly does not represent a compensable employment factor inasmuch as personnel decisions are administrative functions of the employer and not duties of the employee.⁷ As a general rule, a claimant's reaction to administrative or personnel matters falls outside the scope of the Act.⁸ However, to the extent that the evidence demonstrates that the employing establishment either erred or acted abusively in discharging its administrative or personnel responsibilities, such action will be considered a compensable employment factor.⁹ In the instant case, appellant has failed to demonstrate that the employing establishment either erred or acted abusively in assigning or reassigning various supervisors. Moreover, an employee's dissatisfaction with perceived poor management is not compensable under the Act.¹⁰ Consequently, appellant has failed to implicate a compensable employment factor as a cause for his claimed emotional condition.

Unless a claimant establishes a compensable employment factor, it is unnecessary to address the medical evidence of record.¹¹ Inasmuch as appellant failed to implicate any compensable factors of employment, the Office properly denied his claim without addressing the medical evidence of record.

⁶ *Purvis Nettles*, 44 ECAB 623, 628 (1993).

⁷ *Dinna M. Ramirez*, 48 ECAB 308, 313 (1997).

⁸ *Id.*

⁹ *Id.*

¹⁰ *Michael Thomas Plante*, 44 ECAB 510, 516 (1993).

¹¹ *Gary M. Carlo*, 47 ECAB 299, 305 (1996).

The April 1, 1999 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, D.C.
September 12, 2000

Michael J. Walsh
Chairman

A. Peter Kanjorski
Alternate Member

Valerie D. Evans-Harrell
Alternate Member