

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of LINDA C. ALLISON and DEPARTMENT OF THE NAVY,
NAVAL AIR STATION, Norfolk, VA

*Docket No. 00-985; Submitted on the Record;
Issued February 15, 2001*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
MICHAEL E. GROOM

The issue is whether appellant met her burden of proof to establish that she sustained an emotional condition causally related to factors of her federal employment.

On October 25, 1999 appellant, then a 48-year-old personnel clerk, filed an occupational disease claim alleging that she sustained an emotional condition because she was required to move to another desk. She stated that on October 4, 1999 she was moved to another desk and felt like an "outcast" because her new desk was across the room from the other workers. Appellant stated that her job required her to answer the telephone on Mondays and Tuesdays when no one else was in the office and her new desk was not near a telephone which caused her to get up from her desk frequently to answer the telephone. She also stated that workers frequently passed by her new desk and she had to stop filing until they moved past her desk which interfered with the performance of her job. Appellant stated that on October 6, 1999 she had chest pains and difficulty breathing and was taken to the hospital.

In a report dated October 6, 1999, Dr. John T. Hill, a physician specializing in emergency medicine, related that appellant experienced chest pain and anxiety due to recent work stress.

In a letter dated October 25, 1999, appellant's supervisor stated that she was moved to a different desk temporarily in anticipation of a permanent move for the manpower division to which she was assigned. He stated that her temporary desk location is not ideal but was the only practical location until the manpower office could be upgraded with suitable telephone and computer connections.

By decision dated December 10, 1999, the Office of Workers' Compensation Programs denied appellant's claim on the grounds that her claimed emotional condition was not causally related to a compensable factor of her employment.

The Board finds that appellant did not meet her burden of proof to establish that she sustained an emotional condition causally related to factors of her employment.

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 an illness has some connection with the employment but nevertheless does not come within the concept or coverage of workers' compensation. Where the disability results from an employee's emotional reaction to her regular or specially assigned duties or to a requirement imposed by the employment, the disability comes within the coverage of the Federal Employees' Compensation Act.¹ 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 or her frustration from not being permitted to work in a particular environment or to hold a particular position.²

Appellant has the burden of establishing by the weight of the reliable, probative and substantial evidence that the condition for which she claims compensation was caused or adversely affected by employment factors.³ This burden includes the submission of a detailed description of the employment factors or conditions which appellant believes caused or adversely affected the condition or conditions for which compensation is claimed.⁴

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.⁵ 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.⁶

In the present case, appellant alleged that she sustained an emotional condition on October 4, 1999 when her work station was moved. 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.⁷ Although the handling of

¹ 5 U.S.C. §§ 8101-8193.

² See *Thomas D. McEuen*, 41 ECAB 387 (1990), *reaff'd on recon.*, 42 ECAB 566 (1991); *Lillian Cutler*, 28 ECAB 125 (1976).

³ *Pamela R. Rice*, 38 ECAB 838, 841 (1987).

⁴ *Effie O. Morris*, 44 ECAB 470, 473 (1993).

⁵ See *Margaret S. Krzycki*, 43 ECAB 496, 502 (1992); *Norma L. Blank*, 43 ECAB 384, 389 (1992).

⁶ *Id.*

⁷ See *Janet I. Jones*, 47 ECAB 345, 347 (1996); *Michael Thomas Plante*, 44 ECAB 510, 516 (1993).

assignment of office space is generally related to the employment, it is an administrative function of the employer and not a duty of the employee.⁸ However, the Board has also found that an administrative or personnel matter will be considered to be an employment factor where the evidence discloses error or abuse on the part of the employing establishment.⁹ In this case, appellant's supervisor stated that she was moved to a different desk temporarily in anticipation of a permanent move for the manpower division to which she was assigned and that her temporary desk location was the only practical location until the new office space could be upgraded with suitable telephone and computer connections. There is no evidence that the employing establishment erred or acted abusively in its assignment of appellant to a temporary location. Appellant's frustration from not being permitted to work in the location she wanted is not a compensable factor. Thus, appellant has not established a compensable employment factor under the Act in this respect.¹⁰

The decision of the Office of Workers' Compensation Programs dated December 10, 1999 is affirmed.

Dated, Washington, DC
February 15, 2001

David S. Gerson
Member

Willie T.C. Thomas
Member

Michael E. Groom
Alternate Member

⁸ *Id.*

⁹ *Helen P. Hunt*, 47 ECAB 141, 146 (1995).

¹⁰ Unless appellant alleges a compensable factor of employment substantiated by the record, it is unnecessary to address the medical evidence; see *Garry M. Carlo*, 47 ECAB 299, 305 (1996).