

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of BERNICE RACHAEL-WEST and U.S. POSTAL SERVICE,
POST OFFICE, Fort Lauderdale, FL

*Docket No. 00-2809; Submitted on the Record;
Issued November 8, 2001*

DECISION and ORDER

Before MICHAEL E. GROOM, BRADLEY T. KNOTT,
A. PETER KANJORSKI

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.

Appellant, a 45-year-old supervisor, filed a notice of occupational disease on July 31, 1998 alleging that her post-traumatic stress disorder was aggravated due to actions of her supervisors. By decision dated May 25, 1999, the Office of Workers' Compensation Programs denied appellant's claim finding that she failed to establish a compensable factor of employment. Appellant requested an oral hearing on June 21, 1999. The hearing representative affirmed the Office's May 25, 1999 decision on July 18, 2000.

The Board finds that appellant has failed to meet her burden of proof in establishing that she developed an emotional condition due to factors of her federal 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 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 or to hold a particular position.¹

In this case, appellant filed a claim for an emotional condition alleging that she was denied adequate staff, that her supervisor Violetta Carroll yelled at her regarding staffing in person and over the public address system, that on July 20, 1998 Ms. Carroll requested that appellant complete the DSIS report, a duty which Ms. Carroll usually assumed, and that on that

¹ *Lillian Cutler*, 28 ECAB 125, 129-31 (1976).

date Ms. Carroll requested that appellant also complete reports for the causal employees. Appellant also attributed her condition to the fact that her lunch schedule was subject to change.

She stated that Ed Coppola, another one of her supervisors, subjected her to an abusive telephone call regarding an employee's leave request that she approved and verbally disciplined her for filing a safety report. Appellant also attributed her condition to other disciplinary actions. Appellant's supervisor denied all of these allegations.

Appellant's allegations relate to administrative or personnel matters including discipline, staffing and scheduling. As a general rule, an employee's emotional reaction to an administrative or personnel matter is not covered under the 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.² Appellant has submitted no evidence that the employing establishment acted unreasonably in these matters.

Appellant also alleged that Mr. Coppola threatened her position. The Board has held that the fear of losing one's job or job insecurity is not sufficient to constitute a personal injury in the performance of duty.³

Appellant stated that she was overworked both due to the tasks assigned and due to the hours she was required to work which were beyond her medical restrictions. If substantiated by the evidence in the record, these allegations would be compensable factors of employment. Ms. Carroll stated that she did not instruct appellant to work outside her job description. Appellant has submitted no evidence that the completion of the requested reports were outside her job description. Appellant also alleged that she was left alone in the afternoon with no other supervisors available. Appellant submitted statements from three employees that appellant worked alone. Ms. Carroll denied that appellant was left alone from 1:00 p.m. onwards. Appellant did not submit any evidence in support of her statements to establish that working as the lone supervisor constituted overwork. Therefore appellant has not established this aspect of her claim.

Appellant stated that on several occasions she was required to work more than eight hours. She alleged that, due to an accepted work injury, she was limited to eight hours a day. In a work restriction evaluation dated June 24, 1998, appellant's physician indicated that she could work full duty including four hours each of walking, standing and sitting. Appellant has submitted no medical evidence prior to July 20, 1998 that her job-related physical restrictions prevented her from working more than eight hours a day.

As appellant has failed to submit the necessary factual evidence to substantiate a compensable factor of employment, she has failed to meet her burden of proof and the Office properly denied her claim.

² *Martha L. Watson*, 46 ECAB 407 (1995).

³ *Pervis Nettles*, 45 ECAB 623, 628 (1993).

The July 24, 2000 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
November 8, 2001

Michael E. Groom
Alternate Member

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member