

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MARTHA B. HOLCOMB and U.S. POSTAL SERVICE,
ATLANTA DISTRICT OFFICE, Duluth, GA

*Docket No. 01-1218; Submitted on the Record;
Issued February 11, 2002*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
A. PETER KANJORSKI

The issue is whether appellant has established that she sustained an emotional condition in the performance of duty as alleged.

On February 11, 2000 appellant, then a 54-year-old district operations quality improvement specialist (OQIS), filed a claim alleging that she sustained an emotional condition, “[s]evere depression and stress-related headaches, stomach pains, diarrhea and insomnia” due to work-related stress. She asserted that her supervisors made it “difficult or impossible” for her to perform her assigned duties. Appellant stopped work on May 19, 1999.¹

In an attached statement, appellant stated that, in November 1997, managers changed a five-year policy and transferred station input tasks from branch personnel to quality/DPS (delivery point sequencing) personnel. This involved “input changes for more than 100 to 200 zones, without assignment of additional personnel. Appellant asserted that Sandy Wyrick, a supervisor, assigned her the inputting tasks with only one other employee and when the other person was absent, “this added duty sometimes consumed entire days and made it impossible for [her] to accomplish the duties of [her] position.”² Appellant noted that as an OQIS, she was responsible for any quality problems in the delivery units of 200 to 300 zones, but that she had

¹ In a March 15, 2000 letter, the Office of Workers' Compensation Programs advised appellant of the additional medical and factual evidence needed to establish her claim.

² On June 11, 1998 appellant was requested to perform 40-station input changes for a single station. A June 29, 1998 table shows 98 stations appellant was responsible for in DPS matters, with implementation dates from 1993 through 1997.

no employees permanently detailed to assist her. She noted being required to train personnel assigned to help her, taking additional time away from her assigned duties.³ Appellant alleged that inexperienced managers created problems which she had to fix, causing further delays in her work. She alleged that, in November 1997, she was moved from an office into a cubicle, depriving her of hardware needed to use a “BART” computer necessary for quality testing and input for more than a month. Appellant was made to continue her work without the computer.⁴ She noted that her cubicle was located next to an EAS-16 operations support specialist, who had a communication problem as she was not a native speaker of English. This employee would frequently ask appellant grammatical questions or ask her to proofread her work, causing appellant to “get behind” in her duties. Appellant noted that when in late 1997 a coworker was detailed out of the building, she had to process all of his mail messages, taking more than one hour per day. In May 1999, she asked for administrative assistance in resolving bar-coding problems, but was not given any help. This resulted in increasing quality problems, generating a large number of customer and administrative complaints which appellant had to answer, increasing her stress.⁵ Appellant also asserted that, in May 1999, a supervisor did not respond for her request for policy clarification and thus appellant stopped performing branch office visits due to a lack of clear procedures.⁶

In a March 2, 2000 letter, the employing establishment controverted appellant’s claim, asserting that she was not overworked or assigned additional duties, and was not assigned to assist the EAS-16. The employing establishment enclosed the statements of several supervisors.

In a February 18, 2000 letter, Charles Ferrara, an employing establishment supervisor, asserted that appellant did not submit requested work status reports in April 2000.

In a February 25, 2000 letter, Ms. Wyrick asserted that she was responsible for inputting station input changes in November 1997, and that appellant was not asked to perform these tasks, which took less than one hour per day. Ms. Wyrick noted that employees were detailed to assist appellant in implementing quality procedures in DPS implementation if the office was “too large” for one analyst to complete. Ms. Wyrick noted that she was detailed out of the office from March to August 1999, but continued to coordinate DPS implementation.

³ In a February 10, 1997 memorandum, the employing establishment noted that DPS training, including that conducted by appellant, would continue to be offered in 1997 due to the turnover and position changes caused by the reorganization.

⁴ In a November 24, 1997 memorandum, appellant advised a supervisor that the cubicle to which she had been assigned did not have the modem line necessary for her to download “BART” files necessary to analyze and input quality data for DPS offices.

⁵ In a November 1998 memorandum, appellant explained to her supervisor that DPS coding changes entailed a “laborious” hand lay-out process of mail trays on loading docks. A February 1999 memoranda indicates that incorrect coding lead to incorrect tray deliveries.

⁶ Appellant submitted April 26 to 28, 1999 memoranda from herself to a station manager requesting clarification of station visit policies, to which he did not respond.

In a March 1, 2000 letter, Chris Oronzio, an employing establishment supervisor, stated that the November 1997 procedure changes were mitigated by the addition of three additional support positions.

Accompanying an April 27, 2000 letter generally refuting the employing establishment's version of events, appellant submitted additional evidence.

In an October 30, 1997 memorandum, appellant summarized the comments of six station managers asserting that the individual stations must retain their ability to input DPS automation data.⁷

On April 7, 1998 appellant was requested to perform an "MDP audit" in addition to her regular duties.

In an April 8, 1998 memorandum, Ms. Wyrick stated that the quality division's "work load [was] getting further and further behind.

On July 6, 1998 Ms. Wyrick requested that appellant create a "sort plan" in addition to her regular duties. She also requested on July 28 to 30, 1998 that appellant conduct training, implement input changes, attend meetings and increase responsibility for quality issues regarding barcoding. On April 28, 1999 Ms. Wyrick assigned appellant additional duties regarding "30-day requests" while she would be out of the office with no replacement.

In a May 4, 2000 report, Dr. R. Bruce Prince, an attending psychiatrist, noted treating appellant beginning on December 17, 1999 for depression and anxiety accompanied by gastric symptoms and chest pains. Dr. Prince related appellant's account of "massive changes within the organization of her office and the managers," "losing her office," being transferred to a workstation where her computer did not function properly, being given "instructions which were difficult or impossible to carry out," and "having her work load increased which required increasing numbers of hours ... in order to try and complete the tasks." Appellant also related being assigned work that "had previously been assigned to others," and having a "lack of management support." Dr. Prince noted that appellant remained "preoccupied with the situation at work, with the number of years she has put in at the employing establishment and with the significant pride that she carried in her conscientious efforts to be an exceedingly dependable, reliable and successful employee." He prescribed medication and ongoing psychotherapy.

By decision dated May 22, 2000, the Office denied appellant's claim on the grounds that she had failed to establish fact of injury. The Office also found that appellant failed to establish any compensable factors of employment.

Appellant disagreed with this decision and in a May 31, 2000 letter requested an oral hearing before a representative of the Office's Branch of Hearings and Review, held September 27, 2000.

⁷ Appellant also submitted 1997 DPS data and administrative memoranda regarding DPS implementation.

At the hearing, appellant noted that she continued working in the quality improvement specialist position performing her usual duties as well as new assignments, but was then on sick leave. She reiterated her allegations of overwork, including assignment of additional duties. Appellant asserted that the amount of work and responsibility for quality improvement in 200 zones was stressful and overwhelming, contributing greatly to her claimed emotional condition.

By decision dated January 16, 2001 and finalized January 22, 2001, an Office hearing representative modified and affirmed the May 22, 2000 decision. The hearing representative found that appellant alleged three compensable factors of employment: her reaction to having to train employees detailed to assist her, taking further time away from her work; from November 1997 to January 1998, she was moved away from a computer necessary to perform her duties, and was unable to continue with her assigned tasks; she was required in April 1998 to take training regarding handling “30-day requests” while Ms. Wyrick was on detail. However, the hearing representative found that appellant submitted insufficient medical evidence to establish a causal relationship between those factors and the claimed emotional condition. The hearing representative noted that Dr. Prince’s May 2000 report did not specifically address one of the three compensable factors and how it would cause or contribute to the claimed emotional condition.

The hearing representative further found that having to work under managers at a lower level of seniority than herself, frustration over a lack of administrative support, an employing establishment reorganization resulting in additional responsibilities for quality specialists, and not receiving responses from a manager regarding her duties, were administrative matters not compensable under the Federal Employees’ Compensation Act.

The hearing representative found that appellant had established as factual that the EAS-16 employee often interrupted her work, but that appellant submitted insufficient evidence regarding the amount of time taken from her own duties to provide the required assistance. The hearing representative also found that appellant established that she was required to process mail to be returned to sender after another quality specialist was detailed elsewhere. However, appellant did not submit sufficient evidence establishing how much time was taken away from her other assigned duties. The hearing representative further found that appellant did not substantiate that the employing establishment failed to fill data input positions, or that inputting information changes took all day.

The Board finds that appellant has not established that she sustained an emotional condition in the performance of duty as alleged.

Workers’ compensation law does not apply to each and every injury or illness that is somehow related to employment. Where disability results from an employee’s emotional reaction to employment matters unrelated to the employee’s regular or specially assigned work duties or requirements of the employment, the disability is generally regarded as not arising out of and in the course of employment and does not fall within the Act’s coverage.⁸ Disabling conditions resulting from an employee’s desire for a different job do not constitute personal

⁸ *Lillian Cutler*, 28 ECAB 125 (1976).

injury sustained while in the performance of duty within the meaning of the Act.⁹ As part of its adjudicatory function, the Office 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.¹⁰ When a claimant fails to implicate a compensable factor of employment, the Office should make a specific finding in that regard. Perceptions and feelings alone are not compensable. To establish entitlement to benefits, a claimant must establish a factual basis for the claim by supporting the allegations with probative and reliable evidence.¹¹

In this case, appellant established three compensable factors of employment: having to train employees assigned to assist her; being deprived of necessary computer equipment from November 1997 to January 1998; and, being required in April 1998 to take training and regarding handling “30-day requests” while Ms. Wyrick was on detail. As appellant has identified compensable employment factors, the record evidence must then be examined to determine if there is sufficient rationalized medical evidence to establish causal relationship between the accepted employment factors and the claimed condition.

The only medical report of record is the May 4, 2000 narrative by Dr. R. Bruce Prince, an attending psychiatrist who began treating appellant on December 17, 1999 for depression and anxiety. Dr. Prince mentioned appellant’s account of “losing her office” and being transferred to a workstation where her computer did not function properly.” Thus, while Dr. Prince noted the compensable factor of being deprived of necessary computer equipment, he did not provide medical rationale explaining how and why this factor would cause or contribute to the diagnosed emotional condition. Similarly, Dr. Prince noted appellant’s account of “having her work load increased” and being assigned others’ work. However, Dr. Prince did not specifically mention Ms. Wyrick or the “30-day requests,” or explain how an increased work load would cause or aggravate appellant’s stress. Without such supportive medical rationale, Dr. Prince’s opinion regarding causal relationship is of diminished probative value.¹²

Consequently, appellant has failed to establish that she sustained an emotional condition in the performance of duty as she submitted insufficient rationalized medical evidence to establish a causal relationship between the three compensable work factors and her claimed depression.

⁹ *Raymond S. Cordova*, 32 ECAB 1005 (1981); *Lillian Cutler*, *supra* note 8.

¹⁰ *See Barbara Bush*, 38 ECAB 710 (1987).

¹¹ *Ruthie M. Evans*, 41 ECAB 416 (1990).

¹² *Lucrecia M. Nielsen*, 42 ECAB 583 (1991).

The decision of the Office of Workers' Compensation Programs dated January 16 and finalized January 22, 2001 is hereby affirmed.

Dated, Washington, DC
February 11, 2002

Michael J. Walsh
Chairman

David S. Gerson
Alternate Member

A. Peter Kanjorski
Alternate Member