

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

---

In the Matter of CARLOS A. CORRAL and U.S. POSTAL SERVICE,  
POST OFFICE, San Francisco, Calif.

*Docket No. 97-1655; Submitted on the Record;  
Issued June 10, 1999*

---

DECISION and ORDER

Before GEORGE E. RIVERS, DAVID S. GERSON,  
A. PETER KANJORSKI

The issue is whether appellant has established that he sustained an emotional condition in the performance of his federal employment.

The Board has duly reviewed the decision of the Office of Workers' Compensation Programs' hearing representative dated April 3, 1996. The Board finds that the decision is in accordance with the facts and the law in this case. The Board hereby adopts the findings and conclusions of the hearing representative.

The decision of the Office of Workers' Compensation Programs dated April 3, 1996 is hereby affirmed.

Dated, Washington, D.C.  
June 10, 1999

George E. Rivers  
Member

David S. Gerson  
Member

A. Peter Kanjorski  
Alternate Member

Memorandum to the Board

From: AKG

Re: Carlos Corral, Docket No. 97-1655

In the present case, the evidence of record establishes that appellant a letter carrier, was placed on light duty and worked four hours a day following a foot injury in January 1987. Appellant filed an emotional condition claim in March 1994 alleging that he was harassed by his supervisor because he was asked to follow the rules why others were not, that he sustained mental turmoil because he was required to case 20 feet of mail per day, and that he was improperly denied administrative leave while attending an EEOC hearing. The Office requested that appellant clarify and support his factual allegations. Appellant thereafter explained that on a particular day he was walking through the employing establishment to return a letter to outgoing mail, making morning chit chat with co-employees, when he was asked by his supervisor not to be disruptive to the workplace. Appellant stated that he didn't think he was disruptive as others often engaged in morning chit chat, and he could not control what his co-workers thought or did. Appellant did not submit any corroborating evidence that his supervisor acted in error, was abusive, or harassing towards appellant when he asked appellant not to disrupt others work. The Office therefore properly found that appellant had not established that this was a compensable factor of employment. Appellant also alleged that he could not sleep at night because if he wanted to get all of his work done he had to stand and his feet would then hurt. The employing establishment disputed appellant's claim in this regard, noting that appellant worked four hours a day, had no quota, simply left work after his four hours, and was in fact granted six hours of a helpers' time every day. Again, the Office properly found that appellant had not established that he was overworked or harassed in this regard. Appellant also alleged that he disputed some leave issues. Appellant stated that for example he had attended an EEOC hearing and had only been granted four hours of administrative leave for that day. As appellant only worked four hours a day, the record does not reflect why appellant in fact objected to being granted administrative leave for all of the hours of work he in fact missed. The Office properly found that appellant had not established error or abuse in the Office's handling of the various leave issues alleged by appellant. As the Hearing Representative and the Office properly reviewed the evidence and law in this case., no further purpose would be served by a full d&o in this case.

Dated, Washington, D.C.  
June 10, 1999

George E. Rivers  
Member

David S. Gerson  
Member

A. Peter Kanjorski  
Alternate Member