

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of TOMMIE L. AMBROSE and U.S. POSTAL SERVICE,
POST OFFICE, Memphis, TN

*Docket No. 97-2284; Submitted on the Record;
Issued September 9, 1999*

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
MICHAEL E. GROOM

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

In a decision dated March 18, 1997, the Office of Workers' Compensation Programs denied appellant's claim for an employment-related emotional condition on the grounds that the incidents to which he attributed his emotional condition were not compensable.

The Board finds that the evidence of record fails to establish that appellant sustained an emotional condition while in the performance of duty.

The Federal Employees' Compensation Act¹ does not cover every injury or illness that is somehow related to one's employment. 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. The disability is not compensable, however, when it results from such factors as an employee's fear of a reduction-in-force or his frustration from not being permitted to work in a particular environment or to hold a particular position.² Generally, an employee's emotional reaction to an administrative or personnel matter is not compensable. 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.³

On his claim form appellant attributed his emotional condition to added responsibilities after the consolidation of the tool and parts clerks and the maintenance control clerks. He asserted that radio dispatch was one part of the job that caused him "to become very stressful."

¹ 5 U.S.C. §§ 8101-8193.

² *Lillian Cutler*, 28 ECAB 125, 129-31 (1976).

³ *Norman A. Harris*, 42 ECAB 923 (1991); *Thomas D. McEuen*, 42 ECAB 566 (1991).

As a result, he stated, his hypertension began to worsen due to the stress of the job.⁴ When the Office requested additional information, appellant replied: “Due to violation of [the Memorandum of Understanding] forced me to perform radio dispatching, the stress of the job became overbearing along with the pressure that was placed on us from management to get calls out in a timely manner, even to the point of being talked to in an abusive manner, threat of being written up, or moved to the custodial department or fired.”

As these statements make clear, appellant attributes his condition to dissatisfaction with his working environment. The Board again notes that the Act does not cover every injury or illness that is somehow related to work. Frustration from not being permitted to work in a particular environment is not compensable.⁵ Further, without probative evidence substantiating appellant’s allegations of abuse or threats from management or a violation of a memorandum of understanding, the record fails to establish a factual basis for appellant’s claim. For these reasons, the Board finds that the Office properly rejected appellant’s claim for compensation.

The March 18, 1997 decision of the Office of Workers’ Compensation Programs is affirmed.

Dated, Washington, D.C.
September 9, 1999

Michael J. Walsh
Chairman

George E. Rivers
Member

Michael E. Groom
Alternate Member

⁴ The Office accepted that appellant sustained a temporary aggravation of hypertension while in the performance of duty.

⁵ *David M. Furey*, 44 ECAB 302 (1992).