

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of SHIRLEY A. CORDLE and U.S. POSTAL SERVICE,
PROCESSING & DISTRIBUTION CENTER, West Palm Beach, FL

*Docket No. 99-1898; Submitted on the Record;
Issued August 24, 2000*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant has established that she sustained an emotional or physical condition causally related to compensable factors of her federal employment.

In the present case, appellant filed a traumatic injury claim (Form CA-1) alleging that on November 5, 1998 she sustained injuries when she was removed from her position pending further investigation by the employing establishment. Appellant indicated that she suffered emotional stress, with accompanying headaches, chest pain and shortness of breath. By decision dated April 6, 1999, the Office of Workers' Compensation Programs denied the claim on the grounds that compensable factors of employment had not been established.

The Board has reviewed the record and finds that appellant has not established an injury causally related to compensable factors of her federal employment.

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 factors of her federal employment.¹ To establish her claim that she sustained an emotional condition in the performance of duty, appellant must submit: (1) factual evidence identifying employment factors or incidents alleged to have caused or contributed to her condition; (2) medical evidence establishing that she has an emotional or psychiatric disorder; and (3) rationalized medical opinion evidence establishing that the identified compensable employment factors are causally related to her emotional condition.²

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

¹ *Pamela R. Rice*, 38 ECAB 838 (1987).

² *See Donna Faye Cardwell*, 41 ECAB 730 (1990).

has some connection with the employment but nevertheless does not come within the coverage of workers' compensation. These injuries occur in the course of the employment and have some kind of causal connection with it but nevertheless are not covered because they are found not to have arisen out of the employment. Disability is not covered where it results from an employee's frustration over not being permitted to work in a particular environment or to hold a particular position, or secure a promotion. On the other hand, where disability results from an employee's emotional reaction to his regular or specially assigned work duties or to a requirement imposed by the employment, the disability comes within the coverage of the Federal Employees' Compensation Act.³

In the present case, appellant alleged on her claim form that she had been removed from her current position pending further investigation of her conduct. Appellant did not provide a supplemental statement to the Office outlining in detail the employment factors she believed contributed to an emotional condition. In a letter to the Postmaster General dated November 29, 1998, appellant stated that she received a memorandum informing her that she was being detailed to the carrier annex pending further investigation, and she was notified of the duties of the detail assignment, without being told anything further. The record contains a memorandum of a meeting with appellant and her supervisors on November 5, 1998, indicating that appellant was advised on that date that she was being detailed to a different work location pending investigation of allegations of misconduct. The supervisors reported that appellant was upset and denied the allegations. After conversing for approximately 20 minutes, appellant stated that she wanted to go home. In a memorandum dated March 1, 1999, an employing establishment supervisor indicated that complaints regarding appellant's conduct toward supervisors and employees had been received and a formal investigation was required.

To the extent that appellant is alleging that she sustained an injury as a result of being detailed to a different assignment, or being subject to an investigation for alleged misconduct, she must establish error or abuse by the employing establishment. It is well established that administrative or personnel matters, although generally related to employment, are primarily administrative functions of the employer rather than duties of the employee.⁴ The Board has also found, however, that an administrative or personnel matter may be a factor of employment where the evidence discloses error or abuse by the employing establishment.⁵ Unsupported allegations of error or abuse are not sufficient to establish a compensable factor of employment.⁶

In the present case, the evidence of record does not contain an admission of error by the employing establishment, a finding of error pursuant to an administrative proceeding, or other probative evidence that supports a finding of error or abuse. The employing establishment indicated that complaints had been received, these complaints required further investigation, and appellant was temporarily detailed to a different location pending the investigation. The

³ *Lillian Cutler*, 28 ECAB 125 (1976).

⁴ *Anne L. Livermore*, 46 ECAB 425 (1995); *Richard J. Dube*, 42 ECAB 916 (1991).

⁵ *See Michael Thomas Plante*, 44 ECAB 510 (1993); *Kathleen D. Walker*, 42 ECAB 603 (1991).

⁶ *See Harriet J. Landry*, 47 ECAB 543, 547 (1996); *Martin Standel*, 47 ECAB 306, 308 (1996).

evidence of record does not establish that actions taken by the employing establishment were unreasonable or otherwise constitute error or abuse in this case. The Board therefore finds that appellant has not substantiated a compensable factor of employment. Since appellant has not established a compensable work factor, the Board will not address the medical evidence.⁷

The decision of the Office of Workers' Compensation Programs dated April 6, 1999 is affirmed.

Dated, Washington, D.C.
August 24, 2000

David S. Gerson
Member

Willie T.C. Thomas
Member

A. Peter Kanjorski
Alternate Member

⁷ See *Margaret S. Krzycki*, 43 ECAB 496 (1992).