

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CARL K. WATERS and U.S. POSTAL SERVICE,
POST OFFICE, Kingston, PA

*Docket No. 98-546; Submitted on the Record;
Issued January 13, 2000*

DECISION and ORDER

Before GEORGE E. RIVERS, WILLIE T.C. THOMAS,
MICHAEL E. GROOM

The issue is whether appellant established that he sustained an emotional condition in the performance of duty causally related to factors of his employment.

The Board has duly reviewed the record in this case and finds that appellant has not established that he sustained employment-related stress.

To establish an emotional condition sustained in the performance of duty, appellant must submit the following: (1) medical evidence establishing that he has an emotional or psychiatric disorder; (2) factual evidence identifying employment factors or incidents alleged to have caused or contributed to his condition; and (3) rationalized medical opinion evidence establishing that the identified compensable employment factors are causally related to his emotional condition.¹ Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant, must be one of reasonable medical certainty and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by appellant.²

Workers' compensation law is not applicable 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 coverage 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

¹ *Donna Faye Cardwell*, 41 ECAB 730 (1990).

² *Victor J. Woodhams*, 41 ECAB 345 (1989).

comes within coverage of the Federal Employees' Compensation Act.³ On the other hand, there are situations when an injury has some connection with the employment, but nonetheless does not come within the coverage of workers' compensation because it is not considered to have arisen in the course of the employment.⁴

On March 25, 1996 appellant, then a 45-year-old customer service supervisor, filed an occupational disease claim alleging that factors of employment caused stress, anxiety and depression, contending that this had been ongoing since June 23, 1994.⁵ Appellant stated that deadlines, working with employees, customer service calls, meetings and classes caused his condition. He had stopped work on March 11, 1996. By letter dated May 14, 1996, the Office informed appellant of the type of evidence needed to support his claim. In response, appellant submitted treatment notes from the Veterans Affairs Medical Center in Wilkes-Barre, PA. By decision dated October 22, 1996, the Office denied the claim, finding that appellant's emotional condition had not been sustained in the performance of duty. Appellant, through counsel, timely requested reconsideration and submitted a statement and additional medical records. By decision dated September 11, 1997, the Office modified the prior decision, finding that while appellant established compensable factors of employment, the medical evidence was insufficient to establish that his condition was causally related to the accepted employment factors.⁶ The instant appeal follows.

The Board finds that, while appellant established compensable employment factors, he did not meet his burden of proof to establish that his emotional condition was work related because he did not submit rationalized medical evidence explaining how these factors of employment caused or aggravated his emotional condition. By letter dated May 14, 1996, the Office informed him of the type of medical evidence necessary to establish his claim which was to include a comprehensive medical report from his physician which was to cite the specific work factors or incidents and explain how these contributed to his condition. The only medical

³ 5 U.S.C. §§ 8101-8193.

⁴ *Joel Parker, Sr.*, 43 ECAB 220 (1991); *Lillian Cutler*, 28 ECAB 125 (1976).

⁵ The instant case was adjudicated by the Office of Workers' Compensation Programs under File Number A3-217399. He had a previous claim for employment-related stress, adjudicated by the Office under File Number A3-201604. By decision dated May 11, 1999, Docket No. 97-2405, the Board adopted a March 29, 1997 decision of an Office hearing representative who found that, while appellant established compensable factors of employment, the medical evidence was insufficient to establish causal relationship.

⁶ The Office found the following compensable factors of employment: He worried about start up mail; especially when dispatches were late; he was concerned that the mails were distributed to carriers and clerks; registry and box section employees did not have mail to work with; he recorded the volume of mail and did not like talking to the main office by phone to check on the remaining dispatches so there would be no down time; he had to be sure dated materials were delivered by the due date, sometimes the same day; he was required to write accident reports, sometimes three to four per incident and had to take the position that all accidents were preventable; he had difficulty reading a manual on three new letter sorting machines which he found too technical to comprehend; he was apprehensive about training on the new machine; he found it difficult to make room for the machines; he was afraid something would go wrong; the new machines resulted in hundreds of changes to the sort plan which he had to discuss with the carriers in rapid succession; his reports, for which deadlines were imposed, were audited independently.

evidence submitted consists of clinic notes covering the period October 1993 to May 1996. While some of these reports mention that appellant addressed stress at work and that he is anxious about his job, none contains the opinion of a physician relating appellant's condition to the specific work factors found compensable in this case.⁷

The decision of the Office of Workers' Compensation Programs dated September 11, 1997 is hereby affirmed.

Dated, Washington, D.C.
January 13, 2000

George E. Rivers
Member

Willie T.C. Thomas
Alternate Member

Michael E. Groom
Alternate Member

⁷ See *Victor J. Woodhams*, *supra* note 2.