

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of LYNDALL K. BRADFIELD and U.S. POSTAL SERVICE,
POST OFFICE, Sarasota, FL

*Docket No. 99-2580; Submitted on the Record;
Issued November 13, 2000*

DECISION and ORDER

Before WILLIE T.C. THOMAS, PRISCILLA ANNE SCHWAB,
VALERIE D. EVANS-HARRELL

The issue is whether appellant has met her burden of proof to establish that she sustained an emotional condition in the performance of duty.

The Board has duly reviewed the case on appeal and finds that appellant failed to meet her burden of proof in establishing that she developed an emotional condition due to factors of her federal employment.

On July 10, 1998 appellant, then a 46-year-old letter carrier, filed a notice of occupational disease and claim for compensation (Form CA-2) alleging that she suffered from work-related stress resulting in mental anxiety and agitation as a result of harassment by a fellow employee. The employing establishment controverted the claim, alleging that appellant's alleged stress resulted from a personal problem she had with another employee that the employing establishment had attempted to resolve.

In a decision dated March 18, 1999, the Office of Workers' Compensation Programs denied appellant's claim, finding that none of her allegations was substantiated by evidence. The Office further noted that the employing establishment was aware of the problems between appellant and the other worker, and had attempted to remedy the situation.

On April 19, 1999 appellant requested reconsideration and submitted several statements from employees to support her allegations. By decision dated July 9, 1999, the Office found that the evidence was insufficient to require modification of the earlier decision. The Office stated that the coworkers' statements were based on personal opinions as to who was at fault in the confrontations, that the employing establishment had attempted to resolve these conflicts through counseling, meetings and progressive discipline, and that the interaction was considered personal and, therefore, did not occur in the performance of duty.

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

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 to a requirement imposed by the employment, the disability is deemed compensable. Disability is not compensable, however, when it results from factors such as an employee's fear of a reduction-in-force or frustration from not being permitted to work in a particular environment or to hold a particular position.² Perceptions and feelings alone are not compensable. To establish entitlement to benefits, a claimant must establish a basis in fact for the claim by supporting his allegations with probative and reliable evidence.³

In support of her claim, appellant asserted that for the past couple of years she has been the victim of verbal harassment by Barbara Glasnap, a coworker. Specifically, Ms. Glasnap called appellant names, made verbal attacks on how appellant handled mail volume and customers, and accused appellant of standing around or wandering about the workroom floor, attempting to touch, bump, or make physical contact with her, and accused appellant of stalking her during the workday as well as off the clock and stealing her personal property (beach chairs).

Appellant further stated that Ms. Glasnap would put appellant's hamper in her parking space, thus blocking her vehicle and would sing, whistle, make loud noises, and generally be rude and annoying to everyone in the station. Appellant contended that management had done nothing to correct the stressful environment. However, appellant noted Ms. Glasnap and she had been called to meetings with union stewards and management, and that both were advised to avoid conversations with each other.

The employing establishment disputed appellant's assertion that it had not attempted to correct the problem. The employing establishment submitted a statement from appellant's supervisor, who noted that appellant has been involved in an ongoing "feud" with another carrier, that he has had meetings with both women and their union representatives and that they had been instructed to ignore one another, not to talk about each other to fellow employees and not to be in the same area at the same time. He noted that both women agreed to these terms several times, but neither could keep the agreement.

Various statements by several coworkers allege that they had also had problems with Ms. Glasnap and they cite many examples of problems not listed by appellant. One witness

¹ *Martha L. Street*, 48 ECAB 641, 644-45 (1997).

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

³ *Robert W. Johns*, 51 ECAB ____ (Docket No. 98-74, issued October 15, 1999).

noted that she heard Ms. Glasnap state, “I’m really gonna stick it to [appellant],” and that Ms. Glasnap referred to appellant and her coworkers as “low life subs.” A different coworker stated that he removed the hamper that had been placed in appellant’s parking space numerous times. Another carrier indicated that Ms. Glasnap once stated that if appellant had time to talk that she could help Ms. Glasnap with her route. Another noted that he had overheard Ms. Glasnap call appellant a “thief” and a “scum bag.” He added that Ms. Glasnap would leave extra mail for the other workers including appellant and that Ms. Glasnap was always talking, singing or just walking around.

To the extent that disputes and incidents alleged as constituting harassment and discrimination by coworkers are established as occurring and arising from appellant’s performance of her regular duties, these could constitute compensable factors. Where the evidence demonstrates that the employing establishment has neither erred nor acted abusively in administrative or personnel matters, coverage will not be afforded.⁴ There is no evidence in this case that the employing establishment did not act reasonably in the administration of personnel matters.⁵ In fact, the employing establishment tried on several occasions to resolve the issues between appellant and Ms. Glasnap, and had received repeated assurances from both parties that they would follow the recommendations of the employing establishment to avoid each other and not to talk about one another to other employees. Even appellant admitted that these meetings occurred. However, despite management’s attempts, these personal confrontations continued. As appellant has provided insufficient evidence that the employing establishment had acted inappropriately regarding these alleged incidents, appellant has not established a compensable factor under the Federal Employees’ Compensation Act.⁶

⁴ *Kathleen D. Walker*, 42 ECAB 603, 608 (1991).

⁵ *See David W. Shirey*, 42 ECAB 783, 793 (1991).

⁶ Since no compensable factors have been alleged, it is not necessary to address the medical evidence. *Diane C. Bernard*, 45 ECAB 223, 228 (1993).

The decisions of the Office of Workers' Compensation Programs dated July 9 and March 18, 1999 are hereby affirmed.

Dated, Washington, DC
November 13, 2000

Willie T.C. Thomas
Member

Priscilla Anne Schwab
Alternate Member

Valerie D. Evans-Harrell
Alternate Member