

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of WILLIAM C. PRUETT and U.S. POSTAL SERVICE,
POST OFFICE, Conway, AR

*Docket No. 00-1989; Submitted on the Record;
Issued August 16, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
PRISCILLA ANNE SCHWAB

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

On February 15, 2000 appellant, then a 51-year-old rural letter carrier, filed a traumatic injury claim alleging that on that date he experienced stress after he was charged with being absent without leave (AWOL) on February 7, 2000 when he had an appointment with his physician. Appellant stopped work on February 15, 2000 and returned on February 17, 2000.

Appellant's supervisor noted that appellant first received medical care on February 15, 2000 from Dr. William C. Roberts, Board-certified in internal medicine. Appellant submitted a February 15, 2000 duty status report from Dr. Roberts, diagnosing anxiety and restricting his work activities.

By letter dated March 1, 2000, the Office of Workers' Compensation Programs requested that appellant submit additional factual and medical evidence to support his claim and allowed 30 days within which to respond to its request.

In a statement dated March 8, 2000, appellant alleged that on February 4, 2000 he advised his supervisor that he had left arm pain and he had a scheduled appointment with his physician on February 7, 2000. Appellant stated that he wanted to take leave without pay and "charge it back to [the Office]." Appellant completed a leave slip, which was denied. Appellant added that he and his supervisor subsequently submitted a leave slip indicating that his appointment related to an Office claim. Appellant's second leave request was denied on February 15, 2000 and his supervisor advised him that he had been charged as AWOL. Appellant stated that he immediately experienced stress, anger, disbelief and rage after the February 15, 2000 employment incident and that he consulted Dr. Roberts immediately.

By decision dated April 11, 2000, the Office denied appellant's claim on the grounds that the evidence failed to establish that his emotional condition was sustained in the performance of duty. The Office found that the alleged employment factor was not compensable.

The Board finds that appellant did not meet his burden of proof to establish that he sustained an emotional condition in the performance of duty on February 15, 2000 as alleged.

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

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 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 to 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.²

Appellant has the burden of establishing by the weight of the reliable, probative and substantial evidence that the condition for which he claims compensation was caused or adversely affected by employment factors.³ This burden includes the submission of a detailed description of the employment factors or conditions which appellant believes caused or adversely affected the condition for which compensation is claimed.⁴

When working conditions are alleged as factors causing disability, the Office must make findings of fact regarding which working conditions are deemed compensable factors of employment to be considered by a physician when providing an opinion on causal relationship and which working conditions are not deemed factors of employment and may not be so considered.⁵ If a claimant fails to implicate a compensable factor of employment the Office should make specific findings in that regard. If a compensable factor is implicated the Office

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

² 5 U.S.C. §§ 8101-8193; *Lillian Cutler*, 28 ECAB 125 (1976).

³ *Pamela Rice*, 38 ECAB 838 (1987).

⁴ *Effie O. Morris*, 44 ECAB 470 (1993).

⁵ See *Helen P. Allen*, 47 ECAB 141 (1995).

should determine whether the evidence of record substantiates that factor. Perceptions and feelings alone are not compensable. To establish entitlement to benefits under the Act, a claimant must establish a basis in fact for the claim by supporting his or her allegations with probative and reliable evidence.⁶

Appellant's allegation that the employing establishment wrongly denied his request for leave on February 15, 2000 and charged with being AWOL is unrelated to the employee's regular or specially assigned work duties and does not fall within the coverage of the Act.⁷ Although the handling of leave requests and attendance matters are generally related to employment, they are administrative functions of the employer and not duties of the employee.⁸ However, the Board has also found that an administrative or personnel matter will be considered to be an employment factor where the evidence shows error or abuse on the part of the employing establishment. In determining whether the employing establishment erred or acted abusively, the Board has examined whether the employing establishment acted reasonably.⁹

In this case, there is insufficient evidence that the employing establishment erred or acted abusively in denying appellant's requests for leave. While appellant asserted that he felt stressed when his supervisor told him that he had been charged with being AWOL, the record lacks any evidence to establish that the employing establishment wrongly denied his leave requests or charged him with being AWOL. Thus, appellant has not established a compensable employment factor under the Act and, therefore, has not met his burden of proof to establish that he sustained an emotional condition in the performance of duty.¹⁰

⁶ See *Garry M. Carlo*, 47 ECAB 299 (1996).

⁷ *Dinna M. Ramirez*, 48 ECAB 308 (1997).

⁸ *Id.*

⁹ See *Richard Dube*, 42 ECAB 916 (1991).

¹⁰ As appellant has not established any compensable employment factors, the Board need not consider the medical evidence of record; see *Margaret S. Kryzycki*, 43 ECAB 496 (1992).

The April 11, 2000 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
August 16, 2001

Michael J. Walsh
Chairman

David S. Gerson
Member

Priscilla Anne Schwab
Alternate Member