

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of SHERRY L. McFALL and DEPARTMENT OF AGRICULTURE,
ANIMAL & PLANT HEALTH INSPECTION SERVICE, Brownsville, TX

*Docket No. 00-600; Submitted on the Record;
Issued February 8, 2001*

DECISION and ORDER

Before MICHAEL E. GROOM, BRADLEY T. KNOTT,
PRISCILLA ANNE SCHWAB

The issue is whether appellant sustained an emotional condition in the performance of duty on June 30, 1997.

The Board has given careful consideration to the issue involved, appellant's contentions on appeal and the entire case record. The Board finds that the decision of the hearing representative of the Office of Workers' Compensation Programs, dated September 8, 1999 and finalized September 14, 1999, is in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the Office hearing representative.¹

¹ To establish that she sustained an emotional condition causally related to factors of her federal employment, appellant must submit: (1) factual evidence identifying and supporting employment factors or incidents alleged to have caused or contributed to her condition; (2) rationalized medical evidence establishing that she has an emotional condition or psychiatric disorder; and (3) rationalized medical opinion evidence establishing that her emotional condition is causally related to the identified compensable employment factors. *See Kathleen D. Walker*, 42 ECAB 603 (1991). While verbal abuse by a supervisor may constitute a compensable factor of employment, this does not imply that every statement uttered in the workplace will give rise to coverage under the Federal Employees' Compensation Act. *Leroy Thomas, III*, 46 ECAB 946, 954 (1995). In this case, the hearing representative properly concluded that appellant failed to establish that she was subjected to verbal abuse from her supervisor on June 30, 1997. Unless a claimant establishes a compensable factor of employment, it is unnecessary to address the medical evidence of record. *Gary M. Carlo*, 47 ECAB 299, 305 (1996).

The decision of the Office of Workers' Compensation Programs dated September 8, 1999 and finalized September 14, 1999 is hereby affirmed.

Dated, Washington, DC
February 8, 2001

Michael E. Groom
Alternate Member

Bradley T. Knott
Alternate Member

Priscilla Anne Schwab
Alternate Member