

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DEBRA A. SANDERS and U.S. POSTAL SERVICE,
POST OFFICE, Sacramento, CA

*Docket No. 00-925; Submitted on the Record;
Issued February 21, 2001*

DECISION and ORDER

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

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

On June 15, 1998 appellant, then a 40-year-old letter carrier, filed a claim for an anxiety disorder, insomnia and headaches. She stopped work on May 15, 1998 and returned to work on June 1, 1998. On her claim form and in a statement accompanying it, appellant attributed her condition to a series of incidents at the employing establishment that occurred from May 6 to June 4, 1998. By decision dated November 30, 1998, the Office of Workers' Compensation Programs denied appellant's claim on the basis that she had not cited any events that occurred within the performance of duty. Following a hearing held on August 4, 1999, an Office hearing representative, by decision dated October 6, 1999, found that appellant had not established any compensable factors of employment.

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 an illness has some connection with the employment but nevertheless does not come within the concept or coverage of workers' compensation. Where the 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. On the other hand, the disability is not covered where it results from such factors as an employee's fear of a reduction-in-force or his frustration from not being permitted to work in a particular environment or to hold a particular position.¹ Generally, actions of the employing establishment in administrative or personnel matters, unrelated to the employee's regular or specially assigned work duties, do not fall within coverage of the Act. However,

¹ *Lillian Cutler*, 28 ECAB 125 (1976).

where the evidence demonstrates that the employing establishment either erred or acted abusively in the administration of personnel matters, coverage may be afforded.²

The Board finds that appellant has not established that she sustained an emotional condition in the performance of duty.

The incidents appellant cited as the cause of her emotional condition center around the employing establishment's requests for documentation of work restrictions and its related decisions on work assignments and leave. Since these are administrative or personnel actions by the employing establishment, error or abuse must be shown for these actions to be considered compensable under the Act.³

Appellant has not established such error or abuse. According to its manager, on May 6, 1998 the employing establishment requested medical documentation of appellant's work restrictions because appellant was working limited duty and her most recent medical documentation was dated September 19, 1996. When she submitted a duty status report to the employing establishment on May 13, 1998, which was within the 10 days specified on May 6, 1998 appellant and employing establishment management disagreed over whether this report indicated that appellant could do some mail delivery, which was one of the duties of appellant's limited-duty assignment. She was instructed to obtain clarification from her physician, but did not obtain this by May 15, 1998. On that date appellant refused to carry any portion of her route and she was sent home during her work shift. She filed a request for sick leave for the next eight days for work-related stress; the employing establishment's manager told her she could not use sick leave because she was not physically ill. This request for sick leave was subsequently approved on June 1, 1998. The Board does not consider these actions by the employing establishment unreasonable⁴ and appellant thus has not established that they are compensable under the Act.

The Board also does not find error or abuse in the employing establishment's assignment of light duty on June 2, 1998, which was accepted by appellant, in its instruction that day to appellant's union steward to return to his work assignment or in its assignment of work on June 4, 1998. Appellant has presented a statement from a witness supporting her contention that on May 18, 1998 the employing establishment discouraged her husband from filing a claim on appellant's behalf, but this incident is too far removed from the performance of appellant's duties to be considered to have occurred in the performance of those duties.

² *Michael Thomas Plante*, 44 ECAB 510 (1993).

³ *Alice M. Washington*, 46 ECAB 382 (1994); *James W. Griffin*, 45 ECAB 774 (1994); *Jimmy Gilbreath*, 44 ECAB 555 (1993).

⁴ In determining whether the employing establishment erred or acted abusively, the Board has examined whether the employing establishment acted reasonably. *Richard J. Dube*, 42 ECAB 916 (1991).

The decisions of the Office of Workers' Compensation Programs dated October 6, 1999 and November 30, 1998 are affirmed.

Dated, Washington, DC
February 21, 2001

David S. Gerson
Member

Willie T.C. Thomas
Member

A. Peter Kanjorski
Alternate Member