

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CHARLES B. HEBB and U.S. POSTAL SERVICE,
POST OFFICE, Washington, DC

*Docket No. 00-287; Submitted on the Record;
Issued January 17, 2001*

DECISION and ORDER

Before MICHAEL E. GROOM, BRADLEY T. KNOTT,
A. PETER KANJORSKI

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

On October 21, 1996 appellant, then a 37-year-old letter carrier in a modified position, filed a notice of traumatic injury and claim for compensation alleging that on October 19, 1996 he was placed under emotional stress by his supervisor when he was directed to perform work outside his medical restrictions.¹ It appears from the record that appellant also filed a (CA-2) occupational claim for stress related to the October 19, 1996 incident but that the claim was denied on March 19, 1997. He received continuation of pay related to his traumatic injury claim from October 20 through December 3, 1996.

In an October 24, 1996 statement, appellant's supervisor, Alice W. Bell, indicated that appellant had been given a 14-day suspension on October 18, 1996 for failure to meet attendance requirements. She stated that on October 19, 1996 appellant had been instructed to perform a pivot route (on an apartment building) but that he had refused, contending it was outside of his medical restrictions. Ms. Bell indicated that she considered the pivot job to be within appellant's medical restrictions and therefore refused to grant his request to take sick leave for the rest of the day instead of performing his job. She advised that appellant then left for the day without completing his regular assignment or the pivot assignment.

In a June 10, 1996 letter, the Office advised appellant of the factual and medical evidence required to establish his traumatic injury claim for stress-related disability.

In a decision dated August 3, 1999, the Office of Workers' Compensation Programs denied compensation on the grounds that appellant failed to establish that he sustained an injury in the performance of duty.

¹ The record contains a copy of the modified job offer dated February 27, 1995 that was accepted by appellant.

The Board finds that appellant failed to establish that he sustained an injury in the performance of duty.

An employee seeking benefits under the Federal Employees' Compensation Act has the burden to establish the essential elements of his or her claim including the fact that the individual is an "employee" of the United States within the meaning of the Act, that the claim was timely filed within the applicable time limitation period of the Act, that an injury was sustained in the performance of duty as alleged and that any disability and/or specific condition for which compensation is claimed are causally related to the employment injury.²

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 employment and have some kind of causal connection with it but nevertheless are not covered because they are not found 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 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 coverage of the Act.³

In the instant case, appellant's allegation that he was under stress on October 19, 1996 because he was improperly denied a leave request concerns an administrative matter within the purview of the employing establishment. As a general rule, a claimant's reaction to an administrative or personnel matters falls outside the scope of coverage of the Act and is not compensable. Although matters pertaining to leave requests are generally related to employment, they are administrative functions of the employer and not duties of the employee.⁴ The Board has held that an administrative or personnel matter will be considered to be an employment factor only where the evidence discloses error or abuse on the part of the employing establishment.⁵ Because the Board does not find any evidence of error or abuse by appellant's supervisor in denying appellant's leave request, the Board concludes that appellant has failed to allege a compensable factor of employment.⁶ Consequently, the Board finds that appellant failed to establish that he sustained an emotional condition on October 19, 1996 in the performance of duty.⁷

² See 20 C.F.R. § 10.115; *Louise F. Garnett*, 47 ECAB 639 (1996); *Claudia A. Dixon*, 47 ECAB 168 (1995).

³ *Lillian Cutler*, 28 ECAB 125 (1976).

⁴ *Donna J. DiBernardo*, 47 ECAB 700 (1996).

⁵ *Martin Standel*, 47 ECAB 306 (1996).

⁶ The Board notes that there is insufficient factual support in the record for appellant's contention that he was requested to perform a job duty that was outside of his medical restrictions.

⁷ As appellant failed to allege a compensable factor of employment, it is not necessary to address the medical evidence of record pertaining to his stress-related disability.

The decision of the Office of Workers' Compensation Programs dated August 3, 1999 is hereby affirmed.

Dated, Washington, DC
January 17, 2001

Michael E. Groom
Alternate Member

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member