

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of WANDA K. CANTRELL and U.S. POSTAL SERVICE,
HOLIDAY CITY STATION, Memphis, TN

*Docket No. 00-2499; Submitted on the Record;
Issued July 13, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
BRADLEY T. KNOTT

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

On August 22, 1998 appellant, then a 39-year-old letter carrier, filed a claim for an occupational disease for major depression and post-traumatic stress. In an August 9, 1998 statement, appellant stated that there was constant pressure from management to increase productivity beyond contractual norms. In an October 20, 1998 statement, submitted in response to a September 28, 1998 request from the Office of Workers' Compensation Programs for a detailed description of the employment incidents or conditions to which she attributed her condition, appellant cited "constant infighting and bickering that goes on between management and the employees," changing routes, and increased workloads without increases in time allotted. Appellant also stated that she worked overtime about three days a week and that on July 18, 1998 her supervisor pushed her too far. In an October 22, 1998 statement, the employing establishment's manager of customer services stated that appellant usually did not exceed an eight-hour day unless she requested to do so and that on July 18, 1998 appellant became belligerent and angry about the assignment given by her supervisor.

By decision dated May 26, 1999, the Office found that appellant had not cited any specific work factor or incident, and that an injury in the performance of duty was not established.

Appellant requested a hearing, which was held on February 3, 2000 and attended by appellant's representative but not by appellant. In an undated statement submitted to the Office hearing representative, appellant stated that on July 18, 1998 her supervisor was giving out the daily assignments and told her to carry one and one-half hours and to clean up her route, which had accumulated to eight feet of bulk mail, within her eight-hour day. Appellant stated that she told her supervisor that was impossible and that issuing two orders was a contractual violation, but that her supervisor ordered her to do it and walked off. Appellant stated that she then had a problem of either disobeying a direct order or delivering mail in an unsafe manner, and that she

became very upset and started to cry. In a statement dated February 1, 2000, the chief steward of appellant's union stated that on July 18, 1998 he was called to appellant's letter case to attempt to mediate a complication that arose when appellant's supervisor gave appellant orders to clean up her route and carry an hour and a half in eight hours of work, and that he was unable to get the supervisor to clarify which order had precedence.

By decision dated July 6, 2000, an Office hearing representative found that the work incident of July 18, 1998 did not arise in the performance of duty, but rather was an administrative or personnel matter, which the employing establishment had not carried out in error or abusively.

The Board finds that appellant did not sustain an emotional condition in the performance of duty.

Workers' compensation law is not applicable to each and every injury or illness that is somehow related to an employee's employment. When an employee experiences emotional stress in carrying out her employment duties or has fear and anxiety regarding her ability to carry out her duties, and the medical evidence establishes that the disability resulted from her emotional reaction to such situation, the disability is generally regarded as due to an injury arising out of and in the course of the employment. The same result is reached when the emotional disability resulted from the employee's emotional reaction to a special assignment or requirement imposed by the employing establishment or by the nature of the work. In contrast, a disabling condition resulting from an employee's feelings of job insecurity *per se* is not sufficient to constitute a personal injury sustained in the performance of duty within the meaning of the Federal Employee's Compensation Act.¹

Appellant has made general allegations of overwork and pressure to increase productivity beyond contractual norms, but these allegations are too nonspecific and uncorroborated to support a claim for compensation.² The only specific incident appellant has cited is one on July 18, 1998 in which her supervisor ordered her to clean up her route and carry mail for one and one-half hours within her eight-hour day. The Board finds that the July 18, 1998 incident is not a factor of employment as it does not arise from an emotional reaction to appellant's regular or specially assigned duties. Appellant has not attributed her emotional condition to her regular duties of processing or carrying mail at the employing establishment on that date. Rather, appellant has attributed his emotional condition to the instruction given by her supervisor, which appellant questioned.

Appellant's emotional reaction concerns the work assignment which her supervisor gave him in her capacity as a supervisor and which relates to the exercise of supervisory discretion in assigning work, which the Board has found to be an administrative function of the employer.³ As a general rule, reactions to actions taken in an administrative capacity are not compensable.

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

² *See William P. George*, 43 ECAB 1159 (1992).

³ *Rudy Madril*, 45 ECAB 602 (1994).

Nonetheless, error or abuse by the employing establishment supervisor in an administrative or personnel matter, or evidence that the supervisor acted unreasonably in the administration of a personnel matter, may afford coverage.⁴ However, there is no evidence of record, which substantiates appellant's bare allegation that the assignment of work on July 18, 1998 constituted a contractual violation. This allegation finds no support in the February 1, 2000 statement of appellant's union steward, who talked to appellant's supervisor about her July 18, 1998 assignments on that day. Appellant has not cited any specific incidents or conditions that are compensable under the Act.

The decision of the Office of Workers' Compensation Programs dated July 6, 2000 is affirmed.

Dated, Washington, DC
July 13, 2001

Michael J. Walsh
Chairman

David S. Gerson
Member

Bradley T. Knott
Alternate Member

⁴ *Richard J. Dube*, 42 ECAB 916 (1991).