

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ANGELA SPRUILL and U.S. POSTAL SERVICE,
POST OFFICE, Durham, NC

*Docket No. 00-2059; Submitted on the Record;
Issued May 16, 2001*

DECISION and ORDER

Before DAVID S. GERSON, MICHAEL E. GROOM,
PRISCILLA ANNE SCHWAB

The issue is whether appellant sustained an emotional condition causally related to factors of her federal employment.

On March 2, 2000 appellant, then a 31-year-old window clerk, filed an occupational disease claim alleging that she suffered from stress, sleep deprivation and nervousness because she had been unable to do her required work as a "tech 6" clerk due to additional window duties assigned by the employing establishment. Appellant alleged that because of the window duties, she had been forced to work overtime every evening to complete her daily mandated tech duties.

On April 7, 2000 the Office of Workers' Compensation Programs requested additional evidence from appellant and the employing establishment to make a determination on her claim. Appellant did not submit any additional evidence within the allotted time frame.¹

By decision dated May 9, 2000, the Office denied the emotional condition claim on the grounds that appellant failed to establish that she was injured in the performance of duty.

The Board finds that appellant has not established that she sustained an emotional condition causally related to work factors.

Workers' compensation law does not cover each and every injury or illness that is somehow related to employment.² There are distinctions regarding the type of work situation giving rise to an emotional condition, which will be covered under the Federal Employees'

¹ The record reflects that the Office received additional evidence from appellant on May 11, 2000 following the May 9, 2000 decision. The Office also received additional information from the employing establishment in response to the April 7, 2000 letter; however, it is not clear from the record whether the information was received prior to issuance of the May 9, 2000 decision.

² *Lillian Cutler*, 28 ECAB 125, 129 (1976).

Compensation Act.³ For example, disability resulting from an employee's emotional reaction to his or her regular or specially assigned duties or to a requirement imposed by the employing establishment is covered.⁴ However, an employee's emotional reaction to an administrative or personnel matter is generally not covered⁵ and disabling conditions caused by an employee's fear of termination or frustration from lack of promotion are not compensable. In such cases, the employee's feelings are self-generated in that they are not related to assigned duties.⁶

If the evidence demonstrates that the employing establishment erred or acted abusively or unreasonably in the administration of a personnel matter, an emotional condition arising in reaction to such error or abuse may be covered.⁷ However, a claimant must support her allegations with probative and reliable evidence, as personal perceptions alone are insufficient to establish an employment-related emotional condition.⁸

The initial question is whether appellant has alleged compensable employment factors as contributing to her condition.⁹ Part of appellant's burden of proof includes the submission of a detailed description of the specific employment factors or incidents which appellant believes caused or adversely affected the condition for which she claims compensation.¹⁰ If appellant's allegations are not supported by probative and reliable evidence, it is unnecessary to address the medical evidence.¹¹

In this case, appellant has alleged that she was assigned window duties by the employing establishment in addition to her mandated tech 6 duties, and that this extra work caused her stress. Appellant also alleged that her excessive work responsibilities required her to work overtime to complete her daily tasks. However, appellant has failed to submit corroborating evidence to support these allegations. Also, she has presented no evidence of administrative error or abuse on the part of the employing establishment in assigning her work. Because the administrative function of management is to assign work and appellant has failed to establish any error or abuse by the employing establishment in its managerial activities, the Board finds that appellant did not meet her burden of proof in establishing compensable factors under the Act.¹²

³ 5 U.S.C. §§ 8101-8193.

⁴ *Jose L. Gonzalez-Garced*, 46 ECAB 559, 563 (1995).

⁵ *Sharon J. McIntosh*, 47 ECAB 754 (1996).

⁶ *Barbara E. Hamm*, 45 ECAB 843, 850 (1994).

⁷ *Margreate Lublin*, 44 ECAB 945, 956 (1993).

⁸ *Ruthie M. Evans*, 41 ECAB 416, 425 (1990).

⁹ *Wanda G. Bailey*, 45 ECAB 835, 838 (1994).

¹⁰ *Jimmy Gilbreath*, 44 ECAB 555, 558 (1993).

¹¹ *Margaret S. Krzycki*, 43 ECAB 496, 502 (1992).

¹² As appellant has not established any compensable employment factors, the Board need not consider the medical evidence of record; see *Margaret S. Krzycki*, *id.*

The decision of the Office of Workers' Compensation Programs dated May 9, 2000 is affirmed.

Dated, Washington, DC
May 16, 2001

David S. Gerson
Member

Michael E. Groom
Alternate Member

Priscilla Anne Schwab
Alternate Member