

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of HOLLY A. PADDERATZ and U.S. POSTAL SERVICE,
POST OFFICE, Hamilton, NJ

*Docket No. 00-2297; Submitted on the Record;
Issued October 5, 2001*

DECISION and ORDER

Before MICHAEL E. GROOM, A. PETER KANJORSKI,
PRISCILLA ANNE SCHWAB

The issue is whether appellant sustained an emotional condition while in the performance of duty on or about July 6, 1995.

On May 21, 1998 appellant, then a 40-year-old window clerk working limited duty, filed a claim stating that she sustained a recurrence of disability on July 6, 1995 as a result of her May 28, 1993 employment injury.¹ She described how the recurrence happened: "After weeks of character assassination, verbal abuse and humiliation on July 6, 1995 my direct supervisor once again was harassing me about my sick time and my condition in general, telling me there was nothing wrong with me and that I was faking everything. The final straw was when she announced over the loudspeaker to all my coworkers that I should go to the EAP [Employees' Assistance Program] office, completely humiliating me."

On November 27, 1998 the Office notified appellant that it was handling her claim as a new occupational illness. The Office advised appellant to submit additional factual and medical information to support her claim.

In a decision dated February 16, 1999, the Office denied appellant's claim. The Office noted that appellant had failed to respond to its request for additional information and had failed to provide substantive proof of her allegations.

Appellant requested an oral hearing before an Office hearing representative, which was held on September 24, 1999. She testified that people said things to her that made her feel uneasy, such as asking her when she was going to stop faking and when was she going to really work. Appellant alleged that her supervisor, Vanessa Bradley, announced over the loudspeaker that she was to go see the psychiatrist, which she found to be very embarrassing.

¹ Appellant sustained an emotional condition while in the performance of duty as of May 28, 1993, which the Office of Workers' Compensation Programs accepted for major depressive episode and generalized anxiety disorder under file number A2-693423.

In a decision dated December 15, 1999, the hearing representative affirmed the denial of appellant's claim. The hearing representative found no indication that the allegations identified by appellant had occurred.

The Board finds that the evidence of record is insufficient to establish that appellant sustained an emotional condition while in the performance of duty on or about July 6, 1995.

Workers' compensation law does not cover each and every injury or illness that is somehow related to employment.² An employee's emotional reaction to an administrative or personnel matter is generally not covered. The Board has held, however, that error or abuse by the employing establishment in an administrative or personnel matter, or evidence that the employing establishment acted unreasonably, may afford coverage.³ Perceptions alone are not sufficient to establish entitlement to compensation. To discharge her burden of proof, a claimant must establish a factual basis for her claim by supporting her allegations with probative and reliable evidence.⁴

Appellant alleged weeks of character assassination, verbal abuse and humiliation, but she was not specific in describing such incidents and offered no evidence, such as a witness statement, to corroborate that such character assassination, verbal abuse or humiliation actually occurred. Appellant's perception of these generalized allegations is insufficient to establish a factual basis for her claim. Therefore, the Office properly found that she did not meet her burden of proof.

Appellant also alleged that on July 6, 1995 her direct supervisor, Ms. Bradley, announced over the loudspeaker to all of appellant's coworkers that she was to go to the EAP. Appellant again submitted no supporting evidence, such as a witness statement from one of the coworkers present that day, to substantiate that the supervisor did in fact make such an announcement. Further, the record shows that on that date appellant was on annual leave.⁵

Because appellant has failed to establish a factual basis for her claim by supporting her allegations with probative and reliable evidence, and because she was not in the performance of duty on July 6, 1995 when she alleges that her supervisor made a humiliating announcement over the loudspeaker, appellant has not met her burden of proof.

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

³ *Margreate Lublin*, 44 ECAB 945 (1993).

⁴ *Ruthie M. Evans*, 41 ECAB 416 (1990).

⁵ To arise in the course of employment, an injury must occur at a time when the employee may reasonably be said to be engaged in her master's business, at a place where she may reasonably be expected to be in connection with her employment, and while she was reasonably fulfilling the duties of her employment or engaged in doing something incidental thereto. *Carmen B. Gutierrez*, 7 ECAB 58, 59 (1954).

The December 15, 1999 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC
October 5, 2001

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member

Priscilla Anne Schwab
Alternate Member