

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ALICE J. ARMSTRONG and DEPARTMENT OF THE NAVY,
PERSONNEL SUPPORT, Millington, TX

*Docket No. 01-345; Submitted on the Record;
Issued October 9, 2001*

DECISION and ORDER

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

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

On May 16, 2000 appellant, then a 48-year-old transportation assistant and passport agent, filed an occupational disease claim (Form CA-2) alleging that on January 21, 2000 she first became aware that her depression and stress were due to working in a hostile work environment. Appellant also stated that she was "very upset with lack of work ethics, lack of leadership and supervisory skills." In a statement appellant noted various incidents with Mr. Darby, a coworker, which included his lack of productivity, mistakes Mr. Darby made which she ended up correcting, neglect of his duty, performing nonwork activities at his station such as playing games and Mr. Darby leaving his work station and being unaccountable for his time. On January 21, 2000 appellant noted that Chief Throckmorton yelled at her that he was talking and not to interrupt him at which time it was noted that the work needed to be distributed evenly between appellant and Mr. Darby. Appellant complained to management who she alleged did nothing about her coworker's behavior. In addition, appellant noted that it was unfair that she and Mr. Darby had the same grade level when she had more responsibilities.

In a March 9, 2000 report, Dr. Forrest C. Ward, an attending physician, diagnosed depression which he attributed to her employment and stated that appellant was totally disabled from working.

Dr. Ward, in a report dated April 5, 2000, diagnosed depression due to job-related stress and noted that "[t]he principle conflict appears to be with her coworker and I suspect simply addressing the problem would go a long way towards solution of the problem."

In a report dated April 12, 2000, Dr. William C. Wolters, an attending physician, diagnosed depression and panic attacks due to "her very stressful work environment and the pressure of working in a hostile relationship with her coworker."

By decision dated August 11, 2000, the Office of Workers' Compensation Programs denied appellant's claim on the basis that she failed to establish that her depression and stress were due to employment factors.

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

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 her regular or specially assigned duties or to a requirement imposed by the employment, the disability comes within the coverage of the Federal Employees' Compensation Act.¹ 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 her frustration from not being permitted to work in a particular environment or to hold a particular position.²

Appellant has the burden of establishing by the weight of the reliable, probative and substantial evidence that the condition for which she claims compensation was caused or adversely affected by employment factors.³ This burden includes the submission of a detailed description of the employment factors or conditions which appellant believes caused or adversely affected the condition or conditions for which compensation is claimed.⁴

In cases involving emotional conditions, the Board has held that, when working conditions are alleged as factors in causing a condition or disability, the Office, as part of its adjudicatory function, must make findings of fact regarding which working conditions are deemed compensable factors of employment and are to be considered by a physician when providing an opinion on causal relationship and which working conditions are not deemed factors of employment and may not be considered.⁵ If a claimant does implicate a factor of employment, the Office should then determine whether the evidence of record substantiates that factor. When the matter asserted is a compensable factor of employment and the evidence of record establishes the truth of the matter asserted, the Office must base its decision on an analysis of the medical evidence.⁶

In the present case, appellant alleged that she sustained an emotional condition as a result of a number of employment incidents and conditions. By decision dated August 11, 2000, the

¹ 5 U.S.C. §§ 8101-8193.

² See *Thomas D. McEuen*, 41 ECAB 387 (1990), *reaff'd on recon.*, 42 ECAB 566 (1991); *Lillian Cutler*, 28 ECAB 125 (1976).

³ *Pamela R. Rice*, 38 ECAB 838, 841 (1987).

⁴ *Effie O. Morris*, 44 ECAB 470, 473-74 (1993).

⁵ See *Norma L. Blank*, 43 ECAB 384, 389-90 (1992).

⁶ *Id.*

Office denied appellant's emotional condition claim on the grounds that she did not establish any compensable employment factors. The Board must, thus, initially review whether these alleged incidents and conditions of employment are covered employment factors under the terms of the Act.

It is apparent from appellant's statements that she is apparently frustrated and angered by what she perceives as laziness and the lack of a work ethic exhibited by her coworker. An employee's frustration from not being permitted to work in a particular environment is not compensable. Accordingly, appellant's frustration and anger with her coworker does not constitute a compensable factor.⁷

In her statements, appellant has made various allegations regarding what she perceives to be poor supervision on the part of management at the employing establishment. The Board has held that an employee's dissatisfaction with perceived poor management constitutes frustration from not being permitted to work in a particular environment or to hold a particular position and is not compensable under the Act.⁸ Thus, appellant has not established a compensable employment factor under the Act with respect to these administrative matters

Appellant has also made allegations regarding the failure of the employing establishment to discipline a coworker for his failure to perform work and doing nonwork activities at his station and her supervisors failed to evenly distribute work between her and her coworker. Administrative and personnel matters, although generally related to the employee's employment, are administrative functions of the employer rather than the regular or specially assigned work duties of the employee and are not covered under the Act.⁹ Administrative and personnel matters include matters involving the training or discipline of employees.¹⁰ As a general rule, a claimant's reaction to administrative or personnel matters falls outside the scope of the Act.¹¹ However, to the extent that the evidence demonstrates that the employing establishment either erred or acted abusively in discharging its administrative or personnel responsibilities, such action will be considered a compensable employment factor.¹² In the instant case, appellant has failed to demonstrate that the employing establishment either erred or acted abusively in failure to discipline a coworker or equally distribute work between her and her coworker. Moreover, an employee's dissatisfaction with perceived poor management is not compensable under the Act.¹³ Consequently, appellant has failed to implicate a compensable employment factor as a cause for her claimed emotional condition.

⁷ *Ray E. Shotwell, Jr.*, 51 ECAB ____ (Docket No. 99-2032, issued September 12, 2000).

⁸ See *Brian H. Derrick*, 51 ECAB ____ (Docket No. 98-119, issued March 29, 2000); *Michael Thomas Plante*, 44 ECAB 510, 515 (1993).

⁹ See *Jacqueline Brasch (Ronald Brasch)*, 52 ECAB ____ (Docket No. 00-743, issued February 8, 2001)

¹⁰ *James E. Norris*, 52 ECAB ____ (Docket No. 98-2293, issued October 5, 2000).

¹¹ *Dinna M. Ramirez*, 48 ECAB 308, 313 (1997).

¹² *Id.*

¹³ *Michael Thomas Plante*, *supra* note 8 at 516.

Unless a claimant establishes a compensable employment factor, the Board need not address the medical evidence of record.¹⁴ Inasmuch as appellant failed to implicate any compensable factors of employment, the Office properly denied his claim without addressing the medical evidence of record.

The August 11, 2000 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
October 9, 2001

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member

Priscilla Anne Schwab
Alternate Member

¹⁴ *Gary M. Carlo*, 47 ECAB 299, 305 (1996).