

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of DARRELL E. BATTLES and U.S. POSTAL SERVICE,  
POST OFFICE, St. Louis, MO

*Docket No. 01-1892; Submitted on the Record;  
Issued April 8, 2002*

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DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,  
MICHAEL E. GROOM

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

On November 13, 2000 appellant, then a 61-year-old postal clerk, filed a CA-2 claim alleging stress due to harassment at work. Appellant wrote that "I have been harassed, bedeviled, tormented, vexatious, demoralized, character assassination by company officials and black employees. I have *many* EEOs [Equal Employment Opportunity] [complaints] against company officials and black employees." (Emphasis in the original.) He added, "due to the sensitivity and confidentiality, the information requested will be released to proper authorities."

In a letter dated May 9, 2001, the Office of Workers' Compensation Programs notified appellant that additional information was necessary including the identification of "specific incidents or events of employment that led to your current condition or complaints." The Office allowed appellant 30 days to submit the requested information.

No further information was received from appellant. In a decision dated June 13, 2001, the Office denied appellant's claim finding the evidence insufficient. On July 16, 2001 appellant appealed to the Board.<sup>1</sup>

The Board finds that appellant has not met his burden of proof to establish that he sustained an emotional condition in the performance of his employment duties.

An employee seeking benefits under the Federal Employees' Compensation Act<sup>2</sup> has the burden of establishing the essential elements of his or her claim including the fact that the

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<sup>1</sup> The Board notes appellant submitted new evidence subsequent to Office's decision. However, the Board cannot consider that evidence for the first time on appeal. See 20 C.F.R. § 501.2(c).

<sup>2</sup> 5 U.S.C. §§ 8101-8193.

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.<sup>3</sup> These are the essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.<sup>4</sup>

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (1) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; and (3) medical evidence establishing that the employment factors identified by the claimant were the proximate cause of the condition for which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant. The medical evidence required to establish a causal relationship is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence which includes a physician’s rationalized opinion on the issue of whether there is a causal relationship between the claimant’s diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant, must be one of reasonable medical certainty and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.<sup>5</sup>

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 his regular or specially assigned duties or to a requirement imposed by the employment, the disability comes within the coverage of the Act.<sup>6</sup> 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 his frustration from not being permitted to work in a particular environment or to hold a particular position.<sup>7</sup>

In the present case, appellant did not submit any evidence pertaining to the specific employment factor that he believes caused his stress. He merely alleged harassment by management and coworkers without providing specific information as to the time, place and

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<sup>3</sup> *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

<sup>4</sup> *See Delores C. Ellyett*, 41 ECAB 992, 994 (1990); *Ruthie M. Evans*, 41 ECAB 416, 423-25 (1990).

<sup>5</sup> *Victor J. Woodhams*, 41 ECAB 345, 351-52 (1989).

<sup>6</sup> 5 U.S.C. §§ 8101-8193.

<sup>7</sup> *See Thomas D. McEuen*, 41 ECAB 387 (1990), *reaff’d on recon.*, 42 ECAB 566 (1991); *Lillian Cutler*, 28 ECAB 125 (1976).

people involved. The Office notified appellant of the deficiencies and allowed appellant approximately 30 days to provide the information. No further information was provided. The Board finds that appellant has not identified or substantiated a compensable factor.

The decision of the Office of Workers' Compensation Programs dated June 13, 2001 is affirmed.

Dated, Washington, DC  
April 8, 2002

Michael J. Walsh  
Chairman

Willie T.C. Thomas  
Alternate Member

Michael E. Groom  
Alternate Member