

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

---

In the Matter of WENDELL E. WARREN and U.S. POSTAL SERVICE,  
PROCESSING & DISTRIBUTION CENTER, Tyler, TX

*Docket No. 01-2104; Submitted on the Record;  
Issued May 7, 2002*

---

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,  
WILLIE T.C. THOMAS

The issue is whether appellant established that his claimed emotional condition is causally related to his federal employment.

On June 4, 1998 appellant, a 38-year-old distribution operations supervisor, filed a notice of traumatic injury and claim for compensation (Form CA-1) alleging that he sustained an emotional condition in the performance of duty. He described the nature of his condition as stress. Appellant's injury was allegedly caused by what he described as "[a]nother in a series of disagreements with MDO." He was purportedly told that problems in the workplace did not start until he arrived. Appellant ceased working June 4, 1998 and returned to work on June 6, 1998.

In support of his claim, appellant submitted a note from Dr. Roger A. Burshe, a Board-certified family practitioner, who examined appellant on June 5, 1998 and diagnosed adjustment disorder related to stressful work environment. Additionally, Dr. Burshe referred appellant for psychological counseling. Appellant later submitted treatment records from Dr. Albert M. Stephen, a Board-certified family practitioner, who began treating appellant January 11, 1999. In a report dated June 24, 1999, Dr. Stephen diagnosed hypertension, anxiety disorder, tension headaches, migraine headaches and palpitations. He related appellant's condition to his employment. Dr. Stephen specifically stated that appellant's "symptoms are exacerbated by his stressful situation at work."

By decision dated July 21, 1999, the Office of Workers' Compensation Programs denied appellant's claim on the basis that he failed to establish an injury as alleged. The Office specifically noted that appellant failed to provide specific information regarding his alleged "series of disagreements with MDO."

Appellant requested an oral hearing, which was held on January 25, 2000. At the hearing, he testified about several employment incidents dating back to 1992 that purportedly contributed to his claimed emotional condition. Appellant also submitted additional medical evidence.

Following the hearing the employing establishment submitted several employee statements regarding various alleged incidents that purportedly contributed to appellant's claimed emotional condition.

In a decision dated April 13, 2000, the Office hearing representative found that, while appellant identified several compensable employment factors, the medical evidence of record failed to establish that appellant's claimed emotional condition was causally related to his federal employment. Consequently, the hearing representative affirmed the prior denial of appellant's claim, albeit on different grounds.

On March 4, 2001 appellant requested reconsideration. Along with his request, he submitted a February 27, 2001 report from Dr. Stephen. In his most recent report, Dr. Stephen stated that at least two employment incidents; one in July 1992 and another in 1996, exacerbated appellant's hypertension.

After considering the claim on the merits, the Office denied modification by decision dated May 31, 2001.

The Board finds that appellant failed to establish that his claimed emotional condition is causally related to his federal employment.

In order to establish that he sustained an emotional condition causally related to factors of his federal employment, appellant must submit: (1) factual evidence identifying and supporting employment factors or incidents alleged to have caused or contributed to his condition; (2) rationalized medical evidence establishing that he has an emotional condition or psychiatric disorder; and (3) rationalized medical opinion evidence establishing that his emotional condition or psychiatric disorder is causally related to the identified compensable employment factors.<sup>1</sup>

Workers' compensation law does not apply to each and every injury or illness that is somehow related to one's employment. There are situations where an injury or illness has some connection with the employment, but nevertheless, does not come within the purview of workers' compensation. When disability results from an emotional reaction to regular or specially assigned work duties or a requirement imposed by the employment, the disability is deemed compensable. Disability is not compensable, however, when it results from factors such as an employee's fear of a reduction-in-force or frustration from not being permitted to work in a particular environment or hold a particular position.<sup>2</sup> Perceptions and feelings alone are not compensable. To establish entitlement to benefits, a claimant must establish a basis in fact for the claim by supporting his allegations with probative and reliable evidence.<sup>3</sup>

In the instant case, the Office properly determined that appellant failed to substantiate the following alleged employment incidents: (1) that he was regularly blamed during the Christmas season for not getting the mail out; (2) that another employee told appellant he had been

---

<sup>1</sup> See *Kathleen D. Walker*, 42 ECAB 603 (1991).

<sup>2</sup> *Lillian Cutler*, 28 ECAB 125 (1976).

<sup>3</sup> *Ruthie M. Evans*, 41 ECAB 416 (1990).

instructed to set appellant up for stealing; (3) that a supervisor told another employee to have her husband take appellant out in the woods and shoot him; (4) that every day, since 1998, appellant's current supervisor screamed at him on the workroom floor; (5) that someone in management was trying to get him out; (6) that appellant experienced increased workloads; (7) that he was excluded from employment-related trips; and (8) that appellant was called a unionizer and union sympathizer.

The Office accepted as compensable a 1993 incident where a male employee verbally attacked appellant. The employee's wife subsequently told appellant that she had to physically restrain her husband when he threatened to return to the employing establishment with guns to kill all the supervisors. The Office also accepted as compensable an incident where appellant discovered that someone had placed roofing nails behind his automobile tires. Additionally, the Office accepted that appellant had been denied assistance when the mail built up.

While appellant established at least one compensable employment factor, the medical evidence of record failed to establish that appellant's emotional condition was causally related to the identified compensable employment factors. Dr. Burshe's June 5, 1998 note, which included a diagnosis of adjustment disorder related to stressful work environment, did not elaborate on appellant's specific working conditions. Similarly, while Dr. Stephen attributed appellant's condition to his "stressful situation at work," his several reports and treatment notes do not clearly specify employment incidents that caused or contributed to appellant's condition. For example, Dr. Stephen's August 11, 1999 treatment notes indicate that appellant had some conflicts at work on July 19, 26 and 28, 1999 that seemed to have precipitated appellant's headaches. And when he examined appellant on July 29, 1999 Dr. Stephen noted that his blood pressure was markedly elevated. However, he did not specifically identify the employment incidents that ostensibly contributed to appellant's condition. Dr. Stephen's most recent report dated February 27, 2001 referenced stress appellant experienced on "July 22, 1992 and in 1996," but he failed to identify specific incidents that occurred or even whether appellant was working at the time he allegedly experienced the stress.

In a report dated January 15, 1999, Dr. Wendell D. Daniels, a Board-certified family practitioner, stated that appellant suffered from hypertension and stress-related arrhythmia. However, Dr. Daniels did not identify any particular stressors affecting appellant's condition.

As the record is devoid of any rationalized medical opinion evidence establishing a causal relationship between appellant's claimed condition and the accepted compensable employment factors, the Office properly denied appellant's claim.

The May 31, 2001 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC  
May 7, 2002

Michael J. Walsh  
Chairman

David S. Gerson  
Alternate Member

Willie T.C. Thomas  
Alternate Member