

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of YVONNE DUPREE and GENERAL SERVICES ADMINISTRATION,  
Birmingham, AL

*Docket No. 02-879; Submitted on the Record;  
Issued September 23, 2002*

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DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,  
MICHAEL E. GROOM

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

The Board has duly reviewed the case record on appeal and finds that the case is not in posture for a decision.

On July 17, 2001 appellant, a 54-year-old realty specialist, filed a notice of occupational disease and claim for compensation (Form CA-2) alleging that she suffered from work-related stress. Appellant identified November 15, 2000, as the date she first became aware of her employment-related condition. Appellant stated that, after October 1, 2000, she found herself smothered in work-related assignments with compressed suspense dates that were shorter than she had normally experienced. She also stated that on or about November 15, 2000 her workload tripled. Appellant further stated that the unreasonable pressure to accomplish work within compressed timeframes added substantially to her stress. Appellant's excessive assignment schedules and the failure of her superiors to meet with her to develop a more reasonable and workable schedule also purportedly contributed to her condition.

By decision dated January 23, 2002, the Office of Workers' Compensation Programs denied appellant's claim based upon her failure to establish any compensable employment factors.

In order to establish that she sustained an emotional condition causally related to factors of her federal employment, appellant must submit: (1) factual evidence identifying and supporting employment factors or incidents alleged to have caused or contributed to her condition; (2) rationalized medical evidence establishing that she has an emotional condition or psychiatric disorder; and (3) rationalized medical opinion evidence establishing that her

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>

The Board has held that an emotional reaction to a situation, in which an employee is trying to meet her position requirements is compensable.<sup>4</sup> Additionally, the Board has found that employment factors such as an unusually heavy workload and the imposition of deadlines are covered under the Federal Employees' Compensation Act.<sup>5</sup>

In a November 27, 2001 statement, appellant elaborated on her earlier contentions and described difficulties handling the volume of work assigned her. Work-related travel, mandatory training, office equipment failure and short turnaround times all allegedly contributed to appellant's work-related stress. Appellant also indicated that, while she had prior experience in preparing lease agreements, appellant had not done that type of work during the prior seven years and, therefore, she needed to be brought back up to speed. Appellant asked for assistance in the form of sample lease agreements, which she apparently did not receive. Additionally, pertinent information was not shared with appellant apparently because it was assumed that she was already familiar with the various details of the transaction. The clear import of appellant's statement was that she was overwhelmed by her various job responsibilities.

The employing establishment acknowledged that appellant was required to attend mandatory training and that the training schedule was set without appellant's prior knowledge or input. Additionally, the employing establishment stated that appellant's particular agency "has historically had a heavy workload" and that her position required frequent travel. However, the employing establishment did not consider the travel requirements and appellant's workload to be excessive. The employing establishment stated that appellant's work was no different than any other specialist's and, therefore, it "should be no more stressful." Furthermore, the employing

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<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).

<sup>4</sup> See *Georgia F. Kennedy*, 35 ECAB 1151, 1155 (1984); *Joseph A. Antal*, 34 ECAB 608, 612 (1983).

<sup>5</sup> See *Georgia F. Kennedy*, *supra* note 4.

establishment indicated that appellant's many years of prior experience should have adequately prepared her for the duties she assumed.

As previously stated, 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.<sup>6</sup> In this instance, appellant alleged that her claimed condition arose as a result of her attempts to meet the demands of her position. The fact that other employee's may have had a similarly heavy workload does not preclude coverage under the Act. Accordingly, the Board finds that appellant has established a compensable employment factor. The case is, therefore, remanded to the Office for issuance of a *de novo* decision based on an analysis of the medical evidence.<sup>7</sup>

The January 23, 2002 decision of the Office of Workers' Compensation Programs is hereby set aside and the case is remanded for further consideration consistent with this opinion.

Dated, Washington, DC  
September 23, 2002

Michael J. Walsh  
Chairman

David S. Gerson  
Alternate Member

Michael E. Groom  
Alternate Member

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<sup>6</sup> *Lillian Cutler*, *supra* note 2.

<sup>7</sup> *See Norma L. Blank*, 43 ECAB 384, 389-90 (1992).