

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of LULA M. STEWART and U.S. POSTAL SERVICE,
POST OFFICE, Porterville, CA

*Docket No. 03-517; Submitted on the Record;
Issued April 23, 2003*

DECISION and ORDER

Before COLLEEN DUFFY KIKO, DAVID S. GERSON,
A. PETER KANJORSKI

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

On October 31, 2002 appellant, a 50-year-old supervisor, filed a notice of occupational disease and claim for compensation (Form CA-2) alleging that she suffered from employment-related stress, which resulted in high blood pressure. She explained that on November 20, 2001 she received a second notice of warning from the postmaster, which was extremely upsetting. Appellant stated that she felt physically and emotionally ill and that her blood pressure was elevated. She also stated that prior to November 20, 2001 the postmaster had frequently called her into the office and stated that she did not think appellant's job was suitable for her. Appellant was reportedly followed around on the job, including trips to the restroom. She also stated that the postmaster would give her instructions concerning a particular action and when she followed the instructions and the result was unfavorable, appellant would nonetheless be blamed. Additionally, the postmaster allegedly magnified appellant's mistakes, belittled her and was condescending. Appellant also accused another colleague, Mary Bream, of belittling her and making condescending remarks. She stated that she felt as if she had no help or support.

The Office of Workers' Compensation Programs denied appellant's claim by decision dated November 21, 2002. The Office found that appellant failed to establish a compensable employment factor as the cause of her claimed condition.

The Board finds that appellant failed to establish that she sustained an emotional condition causally related to factors of her federal employment.

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 is causally related to the identified compensable employment factors.¹

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.² 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 her allegations with probative and reliable evidence.³

As a general rule, a claimant's reaction to administrative or personnel matters falls outside the scope of the Federal Employees' Compensation Act.⁴ However, to the extent 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.⁵

The majority of employment incidents identified by appellant as contributing to her claimed stress-related high blood pressure are administrative in nature. The postmaster's notices of warning and other conversations with appellant regarding her job performance are personnel matters. Furthermore, the alleged erroneous instructions appellant received from the postmaster regarding how to carry out her duties are personnel matters. Appellant's account of these incidents is generally vague and the record is devoid of any evidence indicating that the employing establishment either erred or acted abusively in carrying out its administrative and personnel responsibilities.

Appellant also alleged that both the postmaster and Ms. Bream belittled her and made condescending remarks. While verbal abuse may constitute a compensable factor of employment, this does not imply that every statement uttered in the workplace will give rise to coverage under the Act.⁶ In this instance, appellant has not provided any specific details of the condescending and belittling remarks allegedly made by Ms. Bream and the postmaster. Consequently, appellant has failed to establish that she was subjected to verbal abuse.

¹ See *Kathleen D. Walker*, 42 ECAB 603 (1991).

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

³ *Ruthie M. Evans*, 41 ECAB 416 (1990).

⁴ *Id.*

⁵ *Id.*

⁶ *Leroy Thomas, III*, 46 ECAB 946, 954 (1995).

Appellant also stated she had been followed at work, including trips to the restroom. Arguably, this type of behavior, if established, could constitute a form of harassment. Appellant, however, has not provided any specific information regarding the person or persons who reportedly followed her, the frequency of these incidents nor specific dates when she was allegedly followed around the office and into the restroom. Appellant simply stated, “I was followed around on the job, even to the restroom.” As previously noted, 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 her allegations with probative and reliable evidence.⁷

As appellant failed to establish any compensable employment factors as the cause of her claimed stress-related high blood pressure, the Office properly denied her claim for compensation.⁸

The November 21, 2002 decision of the Office of Workers’ Compensation Programs is hereby affirmed.

Dated, Washington, DC
April 23, 2003

Colleen Duffy Kiko
Member

David S. Gerson
Alternate Member

A. Peter Kanjorski
Alternate Member

⁷ *Ruthie M. Evans, supra* note 3.

⁸ Unless a claimant establishes a compensable factor of employment, it is unnecessary to address the medical evidence of record. *Garry M. Carlo*, 47 ECAB 299, 305 (1996).