

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JEAN M. RAY and DEPARTMENT OF VETERANS AFFAIRS,
VETERANS ADMINISTRATION MEDICAL CENTER, Iron Mountain, MI

*Docket No. 03-1130; Submitted on the Record;
Issued August 5, 2003*

DECISION and ORDER

Before ALEC J. KOROMILAS, COLLEEN DUFFY KIKO,
DAVID S. GERSON

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

On January 15, 2002 appellant, then a 41-year-old addiction therapist, filed an occupational disease claim alleging that she sustained an emotional condition in the performance of duty. Appellant stated that she had increased symptoms of post-traumatic stress disorder and depression, which she attributed to a mandated move to a different office resulting in an increased workload and responsibilities. She identified the date of injury as October 18, 2001 and further stated that she first realized the condition was employment related on January 14, 2002. Appellant stopped work on January 16, 2002.

In a January 18, 2002 statement, appellant described the factors she believed contributed to her condition. They included a required move in October 2001 when she was ordered to clean out and move into the office of the former Psychosocial Residential Rehabilitation Treatment Program (PRRTP) coordinator, which was in the center of the program, as opposed to her previous offices which were quiet and out of the way. Appellant alleged that the new location caused her to have increased responsibilities and duties and many interruptions, increased telephone contacts, immediate access to residential patients and many more distractions leading to her feelings of inadequacy, guilt and hopelessness.

In a January 31, 2002 statement, appellant's supervisor, Dr. Marshall J. Bales, Chief, Mental Health Service, indicated that appellant agreed to the move and the union was notified in advance and provided the opportunity to submit comments, but no comments were received. He stated that appellant's previous office location was inconvenient to veterans and fellow staff, as it was hard to find. The new location was strategically placed and better suited for working with veterans' concerns. Dr. Bales explained that part of an addiction therapist's responsibilities was to aid and assist veterans in the addiction program with any questions they might have. He indicated the previous location was not optimal for this due to its remoteness, as the therapist

needed to be available for appropriate interruptions to serve veterans that may have concerns. Dr. Bales also stated that while the move may have involved a few increased duties, other duties were removed from appellant's workload. He explained that appellant no longer had to attend two hours of team meetings every week and she no longer worked as an Employee Assistance Program (EAP) counselor. Dr. Bales further stated that appellant was no longer committed to two hours a week of women's wellness group and her two to three hours of work per week as admissions coordinator for the PR RTP program were eliminated. He further added that he did not agree that the assigned workload for appellant was excessive.

In a March 18, 2002 statement, Doreen M. Zamesnik, an occupational therapist and appellant's co-worker, indicated that appellant was a competent therapist who was placed under a tremendous work stress and workload due to short staffing that occurred in the department. She stated that a former co-worker, the coordinator of veterans receiving in-patient residential stays, quit in August 2001 and there was no funding available to restaff the vacant position and appellant was unofficially put into the position. As a result, appellant was placed in a hub of activity instead of the more private setting, which added to her stress level. Ms. Zamesnik added that appellant's duties were shifted so that she performed the intakes for the program and there was an increased acceptance of medically fragile individuals with less staff for supervision.

In a March 19, 2002 decision, the Office of Workers' Compensation Programs denied appellant's claim. By letter dated March 26, 2002, appellant's representative requested a hearing, which was held on December 17, 2002. By decision dated March 12, 2003, the Office hearing representative affirmed the March 19, 2002 decision. The hearing representative found that appellant failed to identify a compensable employment factor as the cause of her claimed emotional condition.

The Board finds that appellant failed to establish that she sustained an emotional condition in the performance of duty.

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 Unless a claimant establishes a compensable factor of employment, it is unnecessary to address the medical evidence of record.²

The Board has held that an emotional reaction to a situation in which an employee is trying to meet his or her position requirements is compensable.³ Additionally, employment

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

² *Garry M. Carlo*, 47 ECAB 299, 305 (1996).

³ See *Georgia F. Kennedy*, 35 ECAB 1151, 1155 (1984); *Joseph A. Antal*, 34 ECAB 608, 612 (1983).

factors such as an unusually heavy workload and the imposition of unreasonable deadlines are covered under the Federal Employees' Compensation Act.⁴

In the instant case, appellant alleged that her condition was caused by the fact that her office was moved from a previously remote location with few interruptions, to the center of the organization, amid all the activity, which subjected her to numerous interruptions. An employee's frustration from not being permitted to work in a particular environment or to hold a particular position is not compensable under the Act.⁵ Appellant's reaction to her October 2001 office move must be considered self-generated in that it resulted from her frustration in not being permitted to work in a particular environment or to hold a particular position.⁶

Appellant also alleged that, along with the change in office location, she received more work and increased responsibilities. The change allegedly resulted in difficulty completing or performing her duties. Ms. Zamesnik stated that appellant unofficially took on the duties of the former coordinator of veterans receiving in-patient residential stays more duties. However, Ms. Zamesnik apparently was unaware of the duties appellant relinquished. Dr. Bales explained that appellant's office move may have resulted in increased duties, but he also noted that she had been relieved of several of her prior responsibilities. According to Dr. Bales, the duties appellant relinquished after her October 2001 office move included attendance at weekly team meetings and participation in the women's wellness group. Additionally, appellant no longer worked as an EAP counselor and her duties as admissions coordinator for the PR RTP program were eliminated. Thus, while appellant received additional duties as a consequence of the October 2001 office move, the added responsibilities were at least partially offset by the elimination of certain other duties. Accordingly, the record does not establish that appellant had an unusually heavy workload. Inasmuch as appellant failed to implicate any compensable employment factors, the Office properly denied her claim without addressing the medical evidence of record.⁷

⁴ *Georgia F. Kennedy, supra* note 3.

⁵ *See David M. Furey, 44 ECAB 302, 305-06 (1992).*

⁶ *Tanya A. Gaines, 44 ECAB 923, 934-35 (1993).*

⁷ *Garry M. Carlo, supra* note 2.

The March 12, 2003 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
August 5, 2003

Alec J. Koromilas
Chairman

Colleen Duffy Kiko
Member

David S. Gerson
Alternate Member