

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of SUSAN J. SOM and U.S. POSTAL SERVICE,  
POST OFFICE, Olympia, WA

*Docket No. 02-2346; Submitted on the Record;  
Issued May 13, 2003*

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DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,  
A. PETER KANJORSKI

The issue is whether appellant met her burden of proof to establish that she sustained an emotional condition in the performance of duty.

On October 23, 2001 appellant, then a 51-year-old former postal clerk, filed a claim alleging that she sustained an emotional condition due to various incidents and conditions at work. She alleged that she developed stress after 1990, when she started working for the employing establishment in Rochester, WA, as a postmaster. Appellant claimed that she developed depression which led to alcohol dependency.<sup>1</sup> By decision dated March 13, 2002, the Office of Workers' Compensation Programs denied appellant's emotional condition claim on the grounds that she did not establish any compensable employment factors.

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 Federal Employees' Compensation Act.<sup>2</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>3</sup>

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<sup>1</sup> Appellant was terminated from the employing establishment due to her problems with alcohol.

<sup>2</sup> 5 U.S.C. §§ 8101-8193.

<sup>3</sup> See *Thomas D. McEuen*, 41 ECAB 387 (1990), *reaff'd on recon.*, 42 ECAB 566 (1991); *Lillian Cutler*, 28 ECAB 125 (1976).

Appellant has the burden of establishing by the weight of the reliable, probative and substantial evidence that the condition for which she claims compensation was caused or adversely affected by employment factors.<sup>4</sup> This burden includes the submission of a detailed description of the employment factors or conditions which appellant believes caused or adversely affected the condition or conditions for which compensation is claimed.<sup>5</sup>

In cases involving emotional conditions, the Board has held that, when working conditions are alleged as factors in causing a condition or disability, the Office, as part of its adjudicatory function, must make findings of fact regarding which working conditions are deemed compensable factors of employment and are to be considered by a physician when providing an opinion on causal relationship and which working conditions are not deemed factors of employment and may not be considered.<sup>6</sup> If a claimant does implicate a factor of employment, the Office should then determine whether the evidence of record substantiates that factor. When the matter asserted is a compensable factor of employment and the evidence of record establishes the truth of the matter asserted, the Office must base its decision on an analysis of the medical evidence.<sup>7</sup>

In the present case, appellant alleged that she sustained an emotional condition as a result of a number of employment incidents and conditions. The Office denied appellant's emotional condition claim on the grounds that she did not establish any compensable employment factors. The Board must, thus, initially review whether these alleged incidents and conditions of employment are covered employment factors under the terms of the Act.

Appellant suggested that her duties as a postmaster starting in 1990 caused her to develop stress. The Board has held that emotional reactions to situations in which an employee is trying to meet his position requirements are compensable.<sup>8</sup> However, appellant did not establish the factual aspect of her apparent claim that she sustained stress due to her duties because she did not adequately articulate this claim or submit sufficient evidence in support thereof. For example, she generally indicated that she worked long hours and that she had to work with a computer, but appellant did not provide any further details or explanation of these comments. She submitted statements of a coworker and her sister which indicated that she appeared to be stressed, but such vague and generalized statements would not support her claim.

Appellant claimed that she had "problems" with a supervisor, Starla Mitchell, regarding her leave usage and that she was placed in jobs which were beyond her medical restrictions. She also suggested that it was improper for her to be demoted from her postmaster position. The Board finds that these allegations relate to administrative or personnel matters, unrelated to the employee's regular or specially assigned work duties and do not fall within the coverage of the

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<sup>4</sup> *Pamela R. Rice*, 38 ECAB 838, 841 (1987).

<sup>5</sup> *Effie O. Morris*, 44 ECAB 470, 473-74 (1993).

<sup>6</sup> *See Norma L. Blank*, 43 ECAB 384, 389-90 (1992).

<sup>7</sup> *Id.*

<sup>8</sup> *See Georgia F. Kennedy*, 35 ECAB 1151, 1155 (1984); *Joseph A. Antal*, 34 ECAB 608, 612 (1983).

Act.<sup>9</sup> Although the handling of disciplinary actions, leave requests and the assignment of work duties are generally related to the employment, they are administrative functions of the employer and not duties of the employee.<sup>10</sup> However, the Board has also found that an administrative or personnel matter will be considered to be an employment factor where the evidence discloses error or abuse on the part of the employing establishment. In determining whether the employing establishment erred or acted abusively, the Board has examined whether the employing establishment acted reasonably.<sup>11</sup> Appellant did not submit sufficient evidence to establish that the employing establishment committed error or abuse with regard to these matters.<sup>12</sup> Thus, she has not established a compensable employment factor under the Act with respect to administrative matters.

Appellant indicated that she developed stress because she thought she would be fired due to her alcohol problems. However, the Board has previously held that a claimant's job insecurity, including fear of a reduction-in-force, is not a compensable factor of employment under the Act.<sup>13</sup> Appellant claimed that she experienced a "lack of privacy" at work, but she did not provide any further explanation of this claim. She expressed general dissatisfaction with her work, but such dissatisfaction would constitute frustration from not being permitted to work in a particular environment or to hold a particular position and is not compensable under the Act.<sup>14</sup>

For the foregoing reasons, appellant has not established any compensable employment factors under the Act and, therefore, has not met her burden of proof in establishing that she sustained an emotional condition in the performance of duty.<sup>15</sup>

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<sup>9</sup> See *Janet I. Jones*, 47 ECAB 345, 347 (1996), *Jimmy Gilbreath*, 44 ECAB 555, 558 (1993); *Apple Gate*, 41 ECAB 581, 588 (1990); *Joseph C. DeDonato*, 39 ECAB 1260, 1266-67 (1988).

<sup>10</sup> *Id.*

<sup>11</sup> See *Richard J. Dube*, 42 ECAB 916, 920 (1991).

<sup>12</sup> It appears that appellant filed an Equal Employment Opportunity claim in connection with these matter, but the record does not contain a copy of any decision issued for such a claim.

<sup>13</sup> See *Artice Dotson*, 42 ECAB 754, 758 (1990); *Allen C. Godfrey*, 37 ECAB 334, 337-38 (1986).

<sup>14</sup> See *David M. Furey*, 44 ECAB 302, 305-06 (1992).

<sup>15</sup> As appellant has not established any compensable employment factors, the Board need not consider the medical evidence of record; see *Margaret S. Krzycki*, 43 ECAB 496, 502-03 (1992).

The decision of the Office of Workers' Compensation Programs dated March 13, 2002 is affirmed.

Dated, Washington, DC  
May 13, 2003

David S. Gerson  
Alternate Member

Willie T.C. Thomas  
Alternate Member

A. Peter Kanjorski  
Alternate Member