

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of CECIL W. GIBSON and U.S. POSTAL SERVICE,  
POST OFFICE, Roanoke, VA

*Docket No. 03-1695; Submitted on the Record;  
Issued October 20, 2003*

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DECISION and ORDER

Before COLLEEN DUFFY KIKO, DAVID S. GERSON,  
WILLIE T.C. THOMAS

The issue is whether appellant has met his burden of proof in establishing that he sustained a headache and stress on March 13, 2003 due to his federal employment.

Appellant, a 54-year-old letter carrier, filed a notice of traumatic injury on March 14, 2003 alleging that he sustained a headache and stress on March 13, 2003 because he was directed to deliver his route with a female inspector in his truck, in violation of his written request to the contrary.

Appellant's supervisor submitted a statement on March 13, 2003 noting that she gave appellant a direct order to allow a woman to inspect his route. After a short period of time appellant requested a claim form and left work.

In a letter dated March 26, 2003, the Office of Workers' Compensation Programs requested additional factual and medical evidence from appellant who did not respond to this request. By decision dated May 5, 2003, the Office denied appellant's claim on the grounds that he failed to submit any medical evidence and therefore had not established that he sustained an injury in the performance of duty.<sup>1</sup>

The Board finds that appellant has failed to meet his burden of proof in establishing that he sustained a headache and stress on March 13, 2003 due to his federal employment.

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 illness has some connection with the employment but nevertheless does not come within the concept of

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<sup>1</sup> Appellant submitted additional new evidence with his request for appeal to the Board. As the Office did not consider this evidence in reaching a final decision, the Board may not review the evidence for the first time on appeal. 20 C.F.R. § 501.2(c). However, appellant may submit this new evidence to the Office and request reconsideration. 5 U.S.C. § 8128.

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 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 to hold a particular position.<sup>2</sup>

In this case, appellant attributed his emotional condition to the fact that his team leader, Susan Truax, directed him to deliver his route with a female inspector in his truck. Appellant's supervisor, Valerie H. Crouse, manager of customer services, stated that appellant refused to have a woman inspect his route. She noted that appellant stated that he had a written request not to have a woman inspect him. Ms. Crouse informed appellant that she could not honor that request as she could not discriminate among inspectors. Appellant explained that he had previously been accused of having a problem with a woman in a grievance and felt that he would be unsafe in a vehicle with a female inspector. Appellant refused a direct order to carry his route with the female inspector.

Regarding appellant's allegations that the employing establishment improperly monitored work duties, by requiring that he complete his route with a female inspector observing him, the Board finds that these allegations related 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 Federal Employees' Compensation Act.<sup>3</sup> As a general rule, an employee's emotional reaction to an administrative or personnel matter is not covered under the Act. But error or abuse by the employing establishment in what would otherwise be an administrative or personnel matter, or evidence that the employing establishment acted unreasonably in the administration of a personnel matter, may afford coverage. In determining whether the employing establishment erred or acted abusively, the Board has examined whether the employing establishment acted reasonably.<sup>4</sup> Appellant has not submitted any evidence substantiating his allegation that the employing establishment acted unreasonably in choosing to monitor his work through a female inspector. Although appellant alleged that he had previously had difficulties with females and that he would be unsafe with a female inspector, he has submitted no evidence explaining why he felt that he would be unsafe with a female inspector or that he had a history of difficulty with the specific female inspector assigned by the employing establishment. Appellant has not submitted any other evidence to suggest that the employing establishment erred in carrying out the administrative action of monitoring his work by assigning a female inspector to his route. As appellant has failed to substantiate a compensable factor of employment, the Office properly denied his claim without addressing the medical evidence of record.<sup>5</sup>

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<sup>2</sup> *Lillian Cutler*, 28 ECAB 125, 129-31 (1976).

<sup>3</sup> 5 U.S.C. §§ 8101-8193; see *Dennis J. Balogh*, 52 ECAB 232, 235 (2001).

<sup>4</sup> *Martha L. Watson*, 46 ECAB 407 (1995).

<sup>5</sup> *Sharon R. Bowman*, 45 ECAB 187, 194 (1993).

The decision of the Office of Workers' Compensation Programs dated May 5, 2003 is hereby affirmed.

Dated, Washington, DC  
October 20, 2003

Colleen Duffy Kiko  
Member

David S. Gerson  
Alternate Member

Willie T.C. Thomas  
Alternate Member