

requirement of medical documentation for his February 25, 2002 absence. He submitted an April 17, 2002 decision by a labor-management dispute resolution team which found insufficient evidence that appellant would respond to management difficulties by calling in sick such that Ms. Guetzloff exceeded her authority in requiring appellant to provide medical documentation for his absence on February 25, 2002. Management was found responsible for appellant's out-of-pocket expense of a \$15.00 co-payment to his health care provider.

On August 6, 2002 appellant asked Ms. Guetzloff if someone could empty his hamper in order that he would not exceed eight hours. He alleged that she stated that she would take care of it. On August 7, 2002 Mr. McMasters, a supervisor, asked why appellant had left a full hamper of outgoing mail on August 6, 2002. Appellant informed him that Ms. Guetzloff had given him permission to leave the hamper. Mr. McMasters stated that Mr. Goodloe was not aware that appellant had permission to leave the hamper. Appellant alleged that Mr. Goodloe called him a liar.

Appellant stated that his daughter was ill on August 26, 2002 and that he called Ms. Guetzloff to request sick leave. Mr. Sebastian answered the telephone and stated that she was not available. He instructed appellant to call the new 1-800 leave request telephone number. Appellant stated that he was driving and talking on his cellular telephone and could not write down the number. According to appellant, Mr. Sebastian stated that he would take care of it. Appellant reported to work on August 27, 2002 and asked that Ms. Guetzloff provide him with a copy of his August 26, 2002 sick leave request. Ms. Guetzloff stated that she had not yet decided whether to approve the leave request. Appellant felt that he should not work due to stress and Ms. Guetzloff informed him that he must submit a doctor's note to return to duty.

Appellant attempted to return to work on August 30, 2002 by submitting a note from his physician. Ms. Guetzloff informed him that the employing establishment medical unit faxed the appropriate forms to his physician on August 27, 2002. She noted that August 30 and 31, 2002 were charged to appellant's sick leave account and that she approved his sick leave request for August 26, 2002. Appellant's physician did not receive the faxed material until September 3, 2002.

On September 6, 2002 appellant and Ms. Guetzloff discussed by telephone his return to work and the type of leave he wished to use to cover his absence. He asked for administrative leave, but she denied this request.

When appellant returned to work on September 12, 2002, Mr. Sebastian conducted an investigative interview concerning his conduct over the prior seven months. Appellant described this interview as two and a half hours of "cursing, yelling and threats."

On September 13, 2002 appellant alleged that Mr. Sebastian instructed him to place his time card back in a lock box, which he stated no other employees had to do. He informed Mr. Sebastian that he had received an EEO form and that "I was going to the break room to fill it out." Mr. Sebastian told him to return to work. Joe Grieco, a union steward, then noted that the form indicated that it should be completed immediately. Mr. Sebastian then began to yell and instructed appellant to go into the office. He continued to yell and Mr. Morrison separated appellant and Mr. Sebastian. Appellant left the office and began to fill out his form in the break

room. While appellant was in the break room, Mr. Goodloe informed him that the postal inspector would throw him out of the building and that appellant would not be allowed to return. Appellant asked Mr. Goodloe if he was making a threat, to which he allegedly responded that appellant was “damn right.” Appellant stated that Mr. Goodloe and the supervisors made it impossible for him to work because they lied to him, embarrassed him and tried to belittle him

The employing establishment controverted appellant’s claim and submitted statements from his supervisors. On September 18, 2002 Mr. Goodloe stated that appellant had attendance problems and had objected to a change of his tour of duty from 7:00 a.m. to 8:00 a.m. Mr. Goodloe stated that the tour of all city letter carriers was changed from 8:00 a.m. to 7:00 a.m. in late 2001; however, this did not work out due to poor mail arrival to the station. All carriers were changed to a starting time of 7:30 a.m.; however, this also did not work out and the starting time was returned to 8:00 a.m.¹ Mr. Goodloe stated that appellant’s attendance became so bad that management initiated attendance corrective disciplinary action. On September 13, 2002 appellant initiated a verbal confrontation with Mr. Sebastian, a supervisor, which disrupted the office. On arrival at work, Mr. Goodloe had a supervisor instruct appellant to remain in the break room and not go to the workroom floor. While in the break room, appellant began to make faces and mumble incoherently at his supervisors. Mr. Goodloe advised the postmaster that he was going to place appellant off the clock. Appellant subsequently approached the supervisors to apologize for his actions but this did not stop the corrective action.

Ms. Guetzloff listed incidents involving appellant. On February 20, 2002 the employing establishment altered the starting time for mail delivery from 7:00 a.m. to 7:30 a.m. Appellant confronted Ms. Guetzloff on February 21, 2001, continued to disagree with the change in starting time, requested a route inspection and threatened to file harassment charges. The next day, appellant refused to work assigned overtime on another route, but instead worked unauthorized overtime on his own route. On February 23, 2002 and he again refused overtime on another route. He argued with Ms. Guetzloff and she instructed him to perform the overtime or risk disciplinary action. Appellant removed his name from the overtime desired list on February 23, 2002. Appellant called in sick on February 25, 2002, but refused Ms. Guetzloff’s request for documentation to substantiate his absence. While working overtime on April 13, 2002, appellant reacted in a hostile manner when Ms. Guetzloff inquired about his task and how long it would take. On July 19, 2002 appellant again removed his name from the overtime desired list. The employing establishment changed the starting time to 8:00 a.m. on July 19, 2002, at which time appellant was overheard stating that he planned to “back up the mail.” Ms. Guetzloff noted that appellant delayed mail on his route on three following days. On July 24, 2002 appellant refused her request that he work on his scheduled nonwork day. Ms. Guetzloff stated that she had a private conversation with appellant about his hostile attitude and asked that he address her with respect. Appellant was late to work on July 30, 2002 and Ms. Guetzloff discussed his attendance with him on July 31, 2002. Appellant was also late on August 6, 2002, requested sick leave and argued that he should not have to substantiate his absence. Appellant also requested annual leave, which Ms. Guetzloff denied.

¹ Appellant did not attribute his emotional condition to his change of start times or to any disagreements with his supervisors regarding this issue.

Appellant requested sick leave from Mr. Sebastian on August 26, 2002 and refused to use the new 1-800 leave request telephone system. Ms. Guetzloff called appellant several times on August 26, 2002 and instructed him to use the new system. On August 27, 2002 appellant instructed Ms. Guetzloff to sign a leave slip immediately or he would file a stress claim. Appellant subsequently left work and used the new system to request sick leave on August 28 and 30, 2002. He reported to work on August 30, 2002, but Ms. Guetzloff informed him that he was not medically cleared and instructed him to leave the premises. She telephoned him to explain that the employing establishment medical unit had not received the appropriate paperwork from his physician. On September 6, 2002 he telephoned the employing establishment, but refused to answer Ms. Guetzloff's questions about when he would return to work. In a second telephone call on that date, Ms. Guetzloff advised appellant that she would find him absent without leave for days he did not advise her of the type of leave he requested. On September 11, 2002 appellant contacted his supervisor and informed her that he had been medically cleared for work. She advised him that he should return the next day. On September 12, 2002 appellant returned to work and was interviewed concerning attendance and leave issues. On September 13, 2002 he approached Mr. Sebastian about his EEO paperwork, became involved in a verbal altercation and was removed from the workroom floor. He subsequently confronted Ms. Guetzloff on September 17, 2002, ordering her to sign a CA-1 and providing medical documentation removing him from work due to stress and depression.

On September 13, 2002 Michael W. Morrison, a union steward, noted that appellant requested confirmation that he could complete an EEO complaint during work hours. Appellant then requested permission from Mr. Sebastian to complete this form. Mr. Sebastian moved the discussion of this topic with Mr. Morrison, Mr. Grieco and appellant from the workroom floor to an office where he and appellant exchanged angry words. Mr. Morrison attempted to defuse the situation and instructed appellant to complete the forms in the break room. Mr. Sebastian became angry, stated that he felt threatened and would call the postal inspectors.

In a statement dated August 26, 2002, Mr. Sebastian noted that appellant called on that date to request sick leave in order to care for his daughter. Mr. Sebastian noted the new 1-800 telephone number to use in making leave requests. Appellant allegedly replied, "I am calling you and I don't have time for that." Mr. Sebastian addressed the incident of September 13, 2002, noting that shortly after 8:00 a.m. he was approached in his supervisory unit by appellant regarding a question. Mr. Sebastian directed appellant to ask the supervisor in appellant's unit. Appellant informed Mr. Sebastian that he planned to complete an EEO complaint. Mr. Sebastian again instructed appellant to consult with the supervisor in his unit. Appellant became loud and boisterous, at which time Mr. Sebastian asked Mr. Grieco and Mr. Morrison, the union stewards, to meet in his office with appellant. He again noted that appellant should consult with his supervisor regarding the time he would be allotted to complete the EEO complaint. Mr. Grieco informed Mr. Sebastian that appellant was to complete the form as soon as he signed in. Mr. Sebastian instructed appellant to inform his supervisor of his plans. When he tried to leave the room, appellant blocked his way and raised his voice. He stated that appellant did not make any threatening statements.

Mr. Grieco noted that on September 13, 2002 appellant approached him about instructions from Mr. Sebastian to place his badge in a bid box. Appellant also had an EEO packet he wanted to fill out and asked that Mr. Grieco accompany him to give it to

Mr. Sebastian. Mr. Sebastian initially denied this request, but after further conversation agreed that appellant could complete the form. Appellant said something that angered Mr. Sebastian, he accused appellant of insubordination and eventually moved the argument into the office. Both men were yelling and Mr. Grieco and Mr. Morrison separated them and then the men went to the break room.

In a September 17, 2002 report, Dr. Walter E. Afield, an attending Board-certified psychiatrist, noted a history of paranoid schizophrenia, diagnosed depression and paranoia and attributed these conditions to his federal employment. He noted that appellant left a hamper of mail as approved by his supervisor, that the following day another supervisor stated that he had abandoned his post and accused appellant of lying when he protested that he had permission. Dr. Afield mentioned a lengthy investigative interview, and appellant's difficulties in completing an EEO form at work.

The Office requested additional factual and medical evidence on November 18, 2002.

Steve Halkias, the union president, noted that appellant alleged that on August 8, 2002 he had asked Ms. Guetzloff for help putting away his outgoing mail and she agreed. The next day, Mr. McMasters questioned him about the outgoing mail. Mr. McMasters and appellant explained the situation to Mr. Goodloe. Appellant alleged that Mr. Goodloe called him a liar. Ms. Guetzloff acknowledged that she had given appellant permission to get help with his outgoing mail, and also stated that she had informed Mr. Goodloe of this fact.

On September 17, 2002 appellant filed an EEO complaint regarding the events surrounding his return to work.

Appellant received a letter of warning on October 2, 2002 from Ms. Guetzloff due to improper conduct and failure to follow instructions regarding the August 26, 2002 sick leave request, the August 27, 2002 demand that she provide him with a copy of his signed leave slip, and his failure to provide the appropriate medical clearance following his absence due to stress. Ms. Guetzloff noted appellant's request for administrative leave for these absences. He filed a grievance regarding this letter on November 6, 2002.

Appellant filed a grievance regarding his delay in return to work on November 15, 2002. In a decision dated November 12, 2002, the dispute resolution team declared an impasse. The team noted that an employee returning to duty after a stress-related absence must be cleared for duty by the medical unit. It noted that the employing establishment received documentation clearing appellant's return to duty on September 9, 2002, and he should have been cleared to return to duty on September 10, 2002. However, appellant used sick leave on September 10, 2002 due to a medical appointment. Appellant's medical clearance was not communicated to Ms. Guetzloff until September 11, 2002. Therefore, he was not allowed to return to duty until September 12, 2002. The team noted that appellant's return was delayed by one day, as he should have returned to duty on September 11, 2002. However, because appellant's requested remedy was for a total of 11 days of administrative leave, an impasse was found.

On December 11, 2002 Mr. Morrison alleged that appellant's route took more than eight hours to complete. He noted that on one occasion appellant requested help from Ms. Guetzloff

to complete his outgoing mail, that she granted this request, but that Mr. Goodloe did not believe this to be the case. Mr. Morrison stated that Mr. Goodloe erroneously stated that Ms. Guetzloff had not given appellant permission to leave the mail. He also noted that Mr. Sebastian became extremely angry when appellant asked to complete an EEO form. Mr. Morrison stated that Mr. Sebastian began cursing and yelling at appellant but did not recall the words used.

In a March 24, 2003 decision, the Office denied appellant's claim finding that he had not established a compensable factor of employment.

Appellant requested an oral hearing on April 14, 2003. At the hearing on December 29, 2003, he described the August 26, 2002 telephone conversation with Mr. Sebastian regarding sick leave. Appellant stated that he understood that Mr. Sebastian would take care of the request, but when he arrived at work on August 27, 2002 the employing establishment was considering disciplinary action due to his failure to call the new leave telephone number and request sick leave. Appellant then requested a copy of the leave slip covering his August 26, 2002 absence and Ms. Guetzloff refused to return it. He became upset and left work on that day due to stress as a result of this situation. Ms. Guetzloff informed him on that date that he must produce medical documentation to return to work and appellant obtained a note from his physician releasing him to return to work on August 30, 2002. Mr. McMasters and Mr. Goodloe would not allow appellant to return to work without his physician completing a specific form. Appellant stated that as the result of misplaced faxes he did not return to work until September 12, 2002. Upon his return, appellant alleged that Mr. Sebastian subjected him to a two-and-a-half-hour disciplinary interview which he described as very heated and argumentative. Appellant reported to work on September 13, 2002 and was required to place his time card in a lock box, which the employing establishment did not require of other employees. Appellant then requested time to complete his EEO forms. Mr. Sebastian began to yell and eventually moved the discussion into an office. Appellant alleged that Mr. Sebastian "made a move toward me very threatening, cursing, arguing very loud..." Eventually, appellant completed his forms in the break room. While appellant was completing the forms, Mr. Goodloe threatened to telephone the postal inspectors and have appellant removed from the building. Appellant completed his duties and sought medical treatment on September 14, 2003.

Mr. Sebastian responded to the hearing transcript, noting that on August 26, 2002 he informed appellant that he would advise Ms. Guetzloff of the leave request, but that appellant was responsible to telephone the new absence request number. He did not inform appellant that he would telephone the new absence number for him. Ms. Guetzloff stated that upon her arrival at work on August 26, 2002 she left three telephone messages for appellant informing him that he must telephone the new number or he would be considered absent without leave. When appellant requested a copy of his leave slip on August 27, 2002, Ms. Guetzloff informed him that she had not yet decided whether or not to approve the request as he failed to follow the new procedure. Appellant stated that he was going to stop work due to stress and Ms. Guetzloff informed him that he would need medical documentation in order to return to work. She noted that appellant attempted to return to work on August 30, 2002, but the employing establishment lacked the necessary medical clearance.

By decision dated March 23, 2004, the hearing representative affirmed the March 24, 2003 decision finding that appellant had not substantiated a compensable factor of employment.

LEGAL PRECEDENT

Workers' compensation law does not apply to each and every injury or illness that is somehow related 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 worker's 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.² 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.³

Appellant has the burden of establishing by the weight of the reliable, probative and substantial evidence that the condition for which he claims compensation was caused or adversely affected by employment factors.⁴ 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.⁵

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.⁶ 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.⁷

ANALYSIS

Appellant has not attributed his emotional condition to the performance of his regular or specially assigned duties as a letter carrier. Rather, he has alleged error by employing establishment managers in the denial of his leave requests and harassment and discrimination by management pertaining to requiring medical documentation for leave requests and failing to inform him of the necessary medical documentation required to return to work. Although the

² 5 U.S.C. §§ 8101-8193.

³ See *Thomas D. McEuen*, 41 ECAB 387, 390-91 (1990), *reaff'd on recon.*, 42 ECAB 566 (1991); *Lillian Cutler*, 28 ECAB 125, 129 (1976).

⁴ *Pamela R. Rice*, 38 ECAB 838, 841 (1947).

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

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

⁷ *Id.*

handling of leave requests and attendance matters are generally related to employment, they are administrative functions of the employer and not duties of the employee. As a general rule, a claimant's reaction to administrative or personnel matters falls outside the scope of the Act. However, to the extent that 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.⁸

Appellant's initial allegation pertained to his absence from work on February 25, 2002 and his subsequent request for sick leave from Ms. Guetzloff on February 28, 2002. Appellant was advised to submit medical documentation in support of the request. The Board finds that the evidence of record does not establish error on the part of appellant's supervisor in requesting documentation to support the request for sick leave. Appellant filed a grievance regarding the matter, and a dispute resolution team found that management should reimburse \$15.00 he spent in co-payment for his health care provider. As noted, under the Act requests for leave are an administrative matter; although the evidence of record indicates that a minor remedial action was directed, the Board finds that the facts in evidence pertaining to this reimbursement do not establish error such as to constitute a compensable factor of employment.⁹

On August 26, 2002 appellant had a telephone conversation with Mr. Sebastian in which he requested sick leave in order to take care of his daughter. Mr. Sebastian noted that he told appellant he would inform Ms. Guetzloff of the request, but that appellant still had to make a call to the new leave request number. Appellant has not submitted any evidence to establish either that Mr. Sebastian agreed to accept responsibility for approving his leave request or that he should have done so. Ms. Guetzloff advised that, upon her arrival at work that day, she called appellant several times and instructed him as to use the new system, or be placed on absence without leave. Appellant has not submitted evidence to establish that Mr. Sebastian or Ms. Guetzloff committed error or abuse with respect to the August 26, 2002 leave request.

When appellant reported to work on August 27, 2002, he told Ms. Guetzloff to sign his leave slip or he would file a stress claim and leave. She noted that he had four hours of leave scheduled for that day and told him that, if he was leaving on stress, he was to provide medical documentation for his absence prior to his return to work. Appellant returned to work on August 30, 2002, although he had requested sick leave through that day, but was informed that the medical unit did not have documentation to support his return to work. Appellant was instructed to leave until his medical clearance was obtained. Ms. Guetzloff advised appellant that the medical unit had faxed papers to his physician's office on August 27, 2002 but had not received anything back. On September 11, 2002 she advised appellant that his medical clearance had been received and that he should return to work the following day. After he stopped work on September 13, 2002, appellant filed a grievance. On November 12, 2002 a grievance resolution team found the matter to be at an impasse. It was noted that documentation clearing appellant's return to work was not received until September 9, 2002 and he should have been

⁸ *James P. Guinan*, 51 ECAB 604, 607 (2000).

⁹ The findings of other federal agencies or bodies are not dispositive with regard to questions arising under the Act. However, such evidence may be given weight by the Office and the Board. See *Ernest J. Malagrida*, 51 ECAB 287 (2000); *Richard L. Ballard*, 44 ECAB 146 (1992).

cleared for a return the next day. However, appellant had a medical appointment scheduled for September 10, 2002 and had requested leave for that day. His clearance was not communicated to his supervisor until September 11, 2002. Although it was noted that appellant should have returned to work on September 11, 2002, his requested remedy was for 11 days of leave and as such was inappropriate. The Board finds that, while instructive, the evidence of record does not establish error or abuse by management in the processing of appellant's leave requests on August 27, 2002 or in any delay concerning his return to duty on September 12, 2002.¹⁰

Regarding his request of September 6, 2002 to utilize administrative leave to cover his absence from work, appellant has not submitted any evidence that Ms. Guetzloff erred in denying this request. Although he alleged that the employing establishment failed to provide him with the necessary forms for his release to return to work, he has not submitted any evidence that this was an obligation of the employing establishment, rather than his own duty to obtain proper medical documentation from his treating physician. Appellant has not substantiated error or abuse in the denial of administrative leave from August 30 through September 6, 2002.

Upon his return to work on September 12, 2002, Mr. Sebastian conducted an interview with appellant concerning past conduct and absence-related issues. Appellant stated the interview consisted of 74 questions and lasted two and a half hours. Reactions to disciplinary matters, such as letters of warning or inquiries regarding conduct, pertain to actions taken in an administrative capacity and are not compensable unless it is established that the employing establishment erred or acted abusively in such capacity.¹¹ Appellant has alleged that the investigative interview was abusive in that he stated that Mr. Sebastian shouted, cursed and threatened him. However, appellant has not submitted any evidence to corroborate that Mr. Sebastian was abusive in the investigative interview. Appellant also failed to submit any evidence establishing that the subsequent letter of warning was inappropriate, erroneous or abusive in nature. Appellant has not established that these disciplinary actions constitute compensable factors of employment.

Appellant attributed his emotional condition to a verbal altercation with Mr. Goodloe on August 7, 2002 regarding a hamper of mail that appellant left at work on August 6, 2002, in which appellant was allegedly called a liar. The Board has held that verbal altercations may be compensable when sufficiently detailed by the claimant and supported by the record. However, this does not imply that every statement uttered in the workplace will give rise to coverage under the Act.¹² Regarding the August 7, 2002 incident, Mr. Halkias stated that he was approached by appellant on August 8, 2002 who told him of having been called a liar by Mr. Goodloe. Mr. Halkias spoke with Ms. Guetzloff, who confirmed that she had granted appellant permission to leave the hamper and that she had conveyed this information to Mr. Goodloe. The Board finds that appellant has not submitted sufficient evidence substantiating his allegation that Mr. Goodloe called him a liar. Mr. Halkias merely noted that appellant had told him that

¹⁰ *Id.*

¹¹ *Sherry L. McFall*, 51 ECAB 436, 440 (2000).

¹² *Marguerite J. Toland*, 52 ECAB 294 (2001).

Mr. Goodloe had called him a liar. The statement does not reflect that Mr. Halkias witnessed the alleged name calling.

Appellant alleged verbal harassment by Mr. Sebastian on September 13, 2002 upon his return to work. The record indicates that when appellant reported to work that day, he approached Mr. Sebastian concerning EEO paperwork. Mr. Sebastian noted that he was not appellant's supervisor and told appellant to take the matter up with his supervisor when she arrived that morning. Appellant told him he was going to the swing room to complete the papers and Mr. Sebastian again advised him to consult with his supervisor. At this time, according to Mr. Sebastian, appellant became loud and boisterous while on the workroom floor and the supervisor requested that he come with the union stewards to his office. While in the room, Mr. Sebastian again advised appellant that it was up to his supervisor as to when he would be allotted time to fill out the papers. Appellant raised his voice to say that the papers provided that he could fill it out when he got on the clock. Mr. Grieco handed Mr. Sebastian the papers and advised that appellant could fill them out while on the clock. Mr. Sebastian told appellant he could do what he wanted but, again, to inform his supervisor. When he tried to leave the room, appellant stepped towards him and blocked his path and raised his voice again. Mr. Sebastian told appellant not to be insubordinate and left the office. The statements of Mr. Grieco and Mr. Morrison agree that Mr. Sebastian and appellant argued on September 13, 2002 concerning the matter of the EEO paperwork. Mr. Grieco noted that appellant said something that appeared to anger Mr. Sebastian and that the two men yelled at one another. Mr. Morrison also noted that angry words were exchanged, but did not recall what words were said. These statements do not contain a detailed account of what was actually said by either party. The Board has held that the mere fact a supervisor or employee may raise his voice during the course of a conversation does not warrant a finding of verbal abuse.¹³ Without a detailed description of the specific statements made during the conversation between appellant and Mr. Sebastian, the Board finds that it does not constitute a compensable employment factor.

The final allegation of verbal abuse pertains to remarks allegedly made by Mr. Goodloe on September 13, 2003. Mr. Goodloe stated that, when he arrived at work on that date, following appellant's exchange with Mr. Sebastian, he directed another supervisor to tell appellant to remain in the break room and not come to the workroom floor. While Mr. Goodloe was speaking with appellant's supervisor, appellant turned his chair towards Mr. Goodloe and began making faces and mumbling under his breath. Mr. Goodloe told appellant he would not tolerate such action but appellant began to argue with him. He left the room and advised the postmaster that he wanted to remove appellant before matters escalated further. After consulting with the postmaster and medical unit, Mr. Goodloe met with a union representative and informed him that appellant would be requested to leave the premises. They were advised that appellant wanted to speak with Mr. Sebastian and Mr. Goodloe, and appellant apologized for his actions. However, when told that his apology would not stop the removal action, appellant started back up.

With regard to Mr. Goodloe's remarks on September 13, 2002, appellant alleged that Mr. Goodloe yelled that the postal inspectors were going to remove him from the building and

¹³ *Carolyn S. Philpott*, 51 ECAB 175, 179 (1999).

that he would have appellant's job. Mr. Grieco confirmed that Mr. Goodloe yelled that he was going to have appellant removed from the building and terminated from the employing establishment. The record establishes that Mr. Goodloe yelled during the course of the conversations on September 13, 2002. He verbally reprimanded appellant for exhibiting behavior that he interpreted to be hostile, and spoke in a tone that enabled others to overhear the conversation. The Board finds that the evidence does not establish error or abuse on the part of Mr. Goodloe in responding to appellant's actions of that day. As noted, the mere fact that he raised his voice does not warrant a finding of verbal abuse.¹⁴ Consequently, appellant has failed to establish that Mr. Goodloe's actions constituted verbal abuse and his allegations are not established as compensable factors.

Appellant alleged harassment by Mr. Sebastian by requiring on September 13, 2002 that he put his time card in a lock box. Mr. Grieco noted that appellant told him that Mr. Sebastian had required him to place his time card in a bid box. For harassment or discrimination to give rise to a compensable disability, there must be evidence which establishes that the acts alleged or implicated by the employee did, in fact, occur. Mere perceptions of harassment or discrimination are not compensable under the Act.¹⁵ Appellant alleged that he was treated differently due to the requirement that he place his time card in a lock box. Mr. Grieco merely noted that appellant told him that this had been required by Mr. Sebastian. The evidence of record from Mr. Sebastian indicates that he was approached by appellant shortly after 8:00 a.m. that day, the beginning of appellant's tour of duty, concerning the EEO papers appellant wanted to fill out. The evidence of record does not support appellant's allegation of harassment or disparate treatment as alleged and this does not constitute a compensable factor of employment.

The Board finds that appellant has failed to establish a compensable employment factor with regard to his allegations of error and harassment by management. For this reason, the Office properly denied his claim of an emotional condition arising from factors of his federal employment.

CONCLUSION

The Board finds that appellant has not established an emotional condition arising from compensable factors of his federal employment.

¹⁴ *Id.*

¹⁵ *Reco Roncoglione*, 52 ECAB 454, 456 (2001).

ORDER

IT IS HEREBY ORDERED THAT the March 23, 2004 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Issued: April 26, 2005
Washington, DC

Colleen Duffy Kiko
Member

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member