

Smith, appellant' supervisor, was at the December 20, 2001 meeting and stated that the ranger reprimanded appellant in a manner he believed was excessive, unjust and unprofessional.

On January 21, 2002 appellant filed an occupational disease claim for his alleged emotional condition, claiming that the December 20, 2001 meeting traumatized him and resulted in sleeplessness, nervousness, depression and uncontrollable anxiety. In an accompanying statement, he asserted that the district ranger, Mesia Nyman, requested a meeting on December 20, 2001 with him and Mr. Smith regarding the signing of a permit and assignment of a snowmobile. Ranger Nyman allegedly indicated that she was upset about these actions. Appellant noted that, during the meeting, the door to the Ranger's office was open and that she reprimanded him in a manner that he believed was unjust and excessive. Appellant was on annual leave commencing December 21, 2001, but did not return to work on January 14, 2002, as scheduled.

On February 6 and 27, 2002 Dr. Allen D. Carter, a Board-certified family practitioner diagnosed an anxiety disorder and depression. He indicated that he first treated appellant for anxiety in April 1996 and placed him on medication. Dr. Carter began treating appellant with anti-depressant medication in August 1996. He noted treating appellant again in January 2002.

By letter dated March 27, 2002, the Office requested further information regarding the incidents appellant believed caused his emotional condition.

On April 6, 2002 appellant stated that the employment incidents causing his emotional illness began 15 years prior, when he was first treated for his condition. He stated that his current condition was related to incidents that occurred over the prior five years when Ken Clark and Reed Clark, commercial outfitter permit holders, were convicted of violating the terms and conditions of the special use permits they held to operate a commercial hunting and outfitter business. Appellant's work involved administering the permits and he participated in the adverse actions concerning the permits held by the Clark family. He alleged that he was subject to harassment and feared for his safety. Appellant alleged certain actions by Ken Clark as contributing to his emotional condition, including placement of a fictitious notice in the local paper about an expensive hunting rifle lost in an area appellant frequented, being watched all hours of the day and night and having people driving by his home at all hours, receiving suspicious telephone calls, questioning by Ken Clark while on employing establishment business and the search of his government truck and trailer, submission of a fictitious complaint to employing establishment investigators, unfounded letters of complaint to his supervisors, verbal threats and that his favorite hunting dog, Molly, was poisoned while in his back yard. Appellant alleged that Ken and Reed Clark recruited people to monitor his employment activities.

Appellant stated that he was able to control the symptoms of his emotional condition until the December 20, 2001 meeting with Ranger Nyman and Mr. Smith. Appellant indicated that he was reprimanded for disobeying orders by going out on a previously planned snowmobile trip. He was also reprimanded for his failure to settle an issue with the Outfitter Board and was accused of conspiring to undermine the ranger's position. Appellant claimed that the December 20, 2001 meeting was unsettling and that he had to stop work.

Mr. Smith provided an April 16, 2002 statement in which he described the events leading to the December 20, 2001 meeting and reprimand. He noted that, on December 19, 2001, he made the decision not to wait for Ranger Nyman after appellant informed him of her request that they meet. Mr. Smith stated that he had previously scheduled a snowmobile trip that day to put out trail markers. At the December 20, 2001 meeting, Mr. Smith noted that Ranger Nyman was upset about exclusions to the Special Use Permits, as prepared by appellant and reviewed by Mr. Smith, which failed to address the status of the Canadian Lynx. She accused them of not properly performing their jobs and stated that she planned to send them both for additional training. Mr. Smith stated that Ranger Nyman raised her voice and used a harsh, scolding tone, and wagged her finger at them. He indicated that she addressed appellant in a relentless, unprofessional manner and accused them of acting as “ringleaders” in a conspiracy to undermine her authority. On April 24, 2002 Mr. Smith agreed with appellant’s statement and reported that appellant had discussed the lawsuits involving the Clark family, who he felt were attempting to intimidate him at work and at home.

Ranger Nyman submitted a statement, noting that she was generally aware that appellant was under stress during the Clark court case and she removed him from the case early in the process due to concern for his safety. She stated that appellant did not work on the case, did not testify in court and was not associated with the legal proceedings. Ranger Nyman noted that the employing establishment lost the court case, following which the outfitting business was sold which reduced the level of animosity. She was concerned with her safety as well as for appellant during the prosecution of the case from 1995 to 1997, stating:

“I know that [appellant] felt threatened. I believe that [appellant] was harassed but to what degree is questionable. I received one suspicious [tele]phone call and was followed briefly by Ken Clark once.”

She noted that appellant’s dog died mysteriously, but that appellant refused to consent to an autopsy.

Regarding the December 20, 2001 meeting, Ranger Nyman stated that she had informed appellant on December 19, 2001 of problems concerning the outfitter permit. She noted that, at the meeting the next day, it was appropriate for her office door to be open and stated that she did not reprimand appellant, but discussed how the three parties could do a better job. Ranger Nyman noted that two other employees were at the employing establishment that day and reported that they had not heard any raised voices or any part of her discussion with appellant and Mr. Smith. She submitted a copy of notes she took during the meeting and said that no inappropriate comments were made; there were no reprimands, no written formal reprimand, and no abusive language. Ranger Nyman was unhappy regarding the permit preparation which did not address the Canadian lynx, and was upset that appellant said that he was not sure how to properly prepare the permit. She discussed the permit, noting that she had assigned it to appellant for preparation and she expected him to follow instructions.

In an April 26, 2002 report, Dr. O’Ann Fredstrom, a Board-certified psychiatrist, diagnosed recurrent major depression and generalized anxiety disorder. She stated that the onset of appellant’s emotional condition was four to five years earlier, triggered by a stressful situation about having to pull business permits from violators and experiencing harassment and personal

safety risks, as well as the poisoning of his dog. Dr. Fredstrom noted that appellant's condition worsened over the preceding two years with December 2001 being significant. She noted that on December 20, 2001 the ranger apparently blamed appellant for an incident.

On September 5, 2002 appellant expressed disagreement with Ranger Nyman's assessment of his involvement with the Clark court case. He stated he was the permit administrator and was intimately involved in the investigation. Appellant indicated that both Ken and Reed Clark plead guilty to felony charges and knew of his involvement in the proceedings. Following the criminal aspect of the case, the employing establishment revoked the permits and appellant authored the noncompliance and permit revocation letters. Appellant stated that he was involved in a civil lawsuit filed by Ken and Reed Clark which ended in a settlement. He disagreed with Ranger Nyman's assessment of the December 20, 2001 meeting, stating that she subjected him to a loud reprimand while the door to her office was open and near a portion of the premises available to the general public.

In a statement of accepted facts, the Office determined that the following incidents occurred as alleged and were compensable factors: (1) On December 19, 2001 Mr. Smith arranged for a team to travel by snowmobile to place ridge markers along a groomed trail and, although appellant was told to wait in the ranger's office, Mr. Smith made the decision to proceed and leave the office, for which appellant was verbally chastised; (2) during the December 20, 2001 meeting, the Ranger's office door was open so that people in the office could hear and that appellant and Mr. Smith were accused of disobeying a direct order to wait, (3) that appellant and Mr. Smith were accused of being ringleaders in a conspiracy to undermine the ranger's authority; (4) that, during the period 1995 to 1997, appellant had been subjected to harassment and was in fear for his safety, during the investigations and the adverse court actions against Ken and Reed Clark; and (5) that appellant, along with Mr. Smith, was subjected to a stop and search and questioning by Ken Clark while performing duties in an official government truck and on horseback.

On February 20, 2003 the Office referred appellant, together with a statement of accepted facts, to Dr. Gay R. Anderson, a Board-certified psychiatrist, for a second opinion examination. In a report dated March 4, 2003, Dr. Anderson reviewed appellant's factual and medical history, noting that appellant was approved for disability retirement as of November 2002. Appellant related a 15-year history of anxiety, which he felt became severe five or six years prior. Appellant recounted the meeting resulting in his reprimand in December 2001, followed by his Christmas vacation. During this period off, he experienced episodes of severe anxiety and depression which he still experienced on a recurrent basis. Dr. Anderson noted that, following his retirement, appellant and his wife had moved to Upper Michigan where both were raised and that he continued under the care of a local psychiatrist. He stated that appellant's family history was positive for emotional illness, as his father had an anxiety disorder and his sister was treated for depression. Appellant reported current symptoms, including anxiety, panic, depression, suicidal thoughts, crying spells and sleep disturbance. Dr. Anderson addressed the psychosocial history and the results of mental and physical examinations. He found no evidence of any formal thought or perceptive disorder, with a lack of animation and constriction of affect. He diagnosed recurrent major depression with generalized anxiety, a condition which had been present for at least 15 to 20 years and became progressively worse over the past six to seven years.

Dr. Anderson described the progression of appellant's emotional condition as consistent with the natural history of the disorder, stating:

“Stressors on the job have been blamed for this illness, as well as for the progressive increase in symptoms. With regard to cause; work stressors and life stressors, in general, are not the etiology of major affective mental illness such as this. Rather, this illness is due to disturbances in brain chemistry which are genetically mediated. This is well evidenced in this case with the positive family history....”

“With regard to aggravation, environmental stressors can symptomatically aggravate affective illness, particularly anxiety states. It is improbable that most stressors would permanently aggravate or alter the natural history or course of an affective mental illness. The exceptions to this would be prolonged and continuous stressors of high magnitude that produce physical and/or mental injury to the subject. Such is not the case here.”

Dr. Anderson noted that, when appellant was involved in the conflict with Ken and Reed Clark, he reacted with increased anxiety and concern in response to the harassment he experienced. However, the physician indicated that, once the situation subsided, it would not continue to contribute to appellant's emotional condition. He stated that the episode of the reprimand by Ranger Nyman was a very brief event and, while it might have heightened appellant's anxiety and frustration level, its influence would fall off rapidly and it would soon cease to be a significant stressor. Dr. Anderson concluded:

“I find no evidence that this individual was exposed to stressors on the job that would likely cause more than temporary aggravations of the symptoms of his affective mental illness. This last stressor, *i.e.*, the reprimand, was brief and not of the magnitude that would likely produce any significant mental disorder. It may have aggravated his symptoms briefly, but certainly not for more than three to six weeks.

“The reality is, that even now, this man has substantial affective mental illness in spite of the fact that he has been removed from the basic stress of going to work for almost 15 months. This is clear evidence that this man's mental illness follows a course of its own, which is strongly supported by the research data on this type of mental illness. Simply stated, I don't believe this man's past work exposure plays any role with regard to his current mental state or the condition of his mental illness.”

Dr. Anderson completed a work restriction evaluation in which he noted that appellant had no physical impairment or limitations and described his dysfunction as on the basis of a major affective mental illness. He indicated that appellant was able to work for four hours a day with psychiatric management

By decision dated March 14, 2003, the Office rejected appellant's claim finding that the medical evidence did not establish that his emotional condition was causally related to compensable factors of his federal employment.

Appellant requested a review of the written record and submitted further evidence. In notes dated from August 26, 2002 to March 3, 2003, Dr. Lynn Miller, a Board-certified psychiatrist, diagnosed major depressive disorder, and post-traumatic stress disorder symptomatology. She did not discuss appellant's employment. Dr. Miller completed a narrative report on July 29, 2002 noting that appellant experienced threats of violence, vandalism against his property, and the death of a dog due to his duties at the employing establishment. She diagnosed major depressive disorder and indicated that appellant's stressors included severe job difficulties.

On March 21, 2003 Dr. Anderson provided a supplemental medical report to a request from the Office. He stated that diagnostic testing demonstrated that appellant was overemphasizing the negative and his profile results were markedly abnormal. Dr. Anderson interpreted the psychological studies to find that appellant was a poorly adjusted individual who showed a pattern of overreacting to any perceived problem or conflict in his life. He stated that appellant tended to be insecure with a poor self-concept and vague sense of identity, and likely to be frustrated by feelings of suspiciousness and mistrust. Dr. Anderson recommended continuing psychiatric care.

By decision dated September 16, 2003, the Office hearing representative affirmed the March 14, 2003 decision. The hearing representative concluded that the Office found that the weight of medical opinion was represented by Dr. Anderson.

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 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 Act.¹ 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.²

¹ 5 U.S.C. §§ 8101-8193.

² 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).

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.³

Generally, actions of the employing establishment in administrative or personnel matters unrelated to the employee's regular or specially assigned work duties, do not fall within the coverage of the Act.⁴ While an administrative or personnel matter will be considered an employment factor where the evidence discloses error abuse on the part of the employing establishment, mere perceptions are insufficient. In determining whether the employing establishment erred or acted abusively, the Board determines whether the employing establishment acted reasonably.⁵ Reactions to disciplinary matters such as letters of warning and inquiries regarding conduct pertain to actions taken in an administrative capacity and are not compensable until it is established that the employing establishment erred or acted abusively in such capacity.⁶

The Board has held that the manner in which a supervisor exercises his or her discretion falls outside the coverage of the Act. This principal recognizes that a supervisor or manager must be allowed to perform their duties and that employees will at times disagree with actions taken. Mere disagreement with or dislike of actions taken by a supervisor or manager will not be compensable absent evidence establishing error or abuse.⁷

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.⁸ 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.⁹

To establish that an emotional condition was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (1) factual evidence identifying and supporting employment factors or incidents alleged to have caused or contributed

³ *Reco Roncoglione*, 52 ECAB 454, 456 (2001).

⁴ *James E. Norris*, 52 ECAB 93, 100 (2000).

⁵ *Bonnie Goodman*, 50 ECAB 139, 143-44 (1998).

⁶ *Sherry L. McFall*, 51 ECAB 436, 440 (2000).

⁷ *Linda J. Edwards-Delgado*, 55 ECAB ____ (Docket No. 03-823, issued March 25, 2004).

⁸ *See Norma L. Blank*, 43 ECAB 384, 389-90 (1992).

⁹ *Id.*

to his condition; (2) rationalized medical evidence establishing that he has an emotional condition or psychiatric disorder; and (3) rationalized medical opinion evidence establishing that the identified compensable employment factors are causally related to his emotional condition.¹⁰ The medical opinion must be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.¹¹

ANALYSIS

Appellant attributed his emotional condition to harassment by Ken and Reed Clark, special use permit holders, due to his participation in proceedings leading to a criminal prosecution. The Board finds that appellant has not submitted sufficient evidence to establish that they ran a false newspaper advertisement in an attempt to harass him; that his dog was poisoned, or that members of the Clark family drove by appellant's house or made harassing telephone calls. The Board finds that there is insufficient evidence of record to establish that these individuals watched or paid others to observe appellant or that they made any verbal threats to appellant. Appellant also failed to submit documentation of false complaints by members of the Clark family to his supervisor or employing establishment investigators. As noted above, 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. As appellant has submitted insufficient evidence to substantiate that these alleged acts of harassment took place, he has not established a compensable factor of employment.

However, the statements submitted from Ranger Nyman and Mr. Smith support appellant's allegation that he had reason to have concern for his safety pertaining to work involving these permit holders.¹² Mr. Smith stated that Ken Clark had stopped and questioned appellant several times and searched appellant's government truck and trailer while he was performing his job. Ranger Nyman noted that appellant came under stress during the court case and became concerned for his safety during the prosecution of the case between 1995 and 1997. The Board finds that appellant has submitted evidence substantiating that these events occurred, which constitute harassment by Mr. Clark and is a compensable factor of employment.

Appellant also attributed his emotional condition to the December 20, 2001 meeting with Ranger Nyman. He alleged that Ms. Nyman improperly reprimanded him for failing to properly consider the Canadian lynx in exceptions to special use permits and improperly criticized him for failing to complete an assignment with the Outfitter's Board. As noted, the manner in which a supervisor exercises his or her discretion falls outside the general coverage of the Act. This principle recognizes that a supervisor or manager must be allowed to perform their duties and that employees will at times disagree with actions taken or recommended. Mere disagreement

¹⁰ *Donna Faye Cardwell*, 41 ECAB 730 (1990).

¹¹ *Solomon Polen*, 51 ECAB 341, 343-44 (2000).

¹² *See Bernard Snowden*, 49 ECAB 144, 147-48 (1997).

with or dislike of actions taken by a supervisor or manager will not be compensable absent evidence establishing error or abuse.

The Board finds that appellant has not submitted sufficient evidence to establish his allegations that Ranger Nyman erred or acted abusively in discussing the special use permits or other work assignments or in instructing him regarding these issues. He asserted that Ranger Nyman erroneously chastised him while her office door was open, stating that he became humiliated by her public reprimand. Mr. Smith generally noted that the ranger accused both of them of not properly doing their jobs and described her as using a harsh, scolding tone of voice and wagging her finger. She was alleged to have described them as being ringleaders in a conspiracy to undermine her authority.¹³ Verbal altercations, when sufficiently detailed by the claimant and supported by the record, may constitute a factor of employment. Although the Board has recognized the compensability of verbal abuse in certain circumstances this does not imply that every statement uttered in the workplace will give rise to coverage under the Act.¹⁴ The Board finds that the evidence submitted is not sufficient to establish verbal abuse by Ranger Nyman. The statements of appellant and Mr. Smith are very general in nature and not specific as to the comments made by Ranger Nyman. She indicated that she discussed the work related to preparing exclusions to special use permits and that the discussion did not involve any reprimand of appellant. The record does not contain a description of any comments made by the ranger other than her reference to a conspiracy involving appellant and Mr. Smith. The Board finds that this does not rise to the level of verbal abuse. Appellant's dislike of the meeting and the characterization of Ranger Nyman's tone of voice as harsh or scolding, are not sufficient evidence to establish the December 20, 2001 meeting as a compensable factor of employment.

Appellant's burden of proof is not discharged by the fact that he has established an employment factor, harassment by Ken Clark. To establish his claim for an emotional condition, he must also submit rationalized medical evidence establishing that he has an emotional or psychiatric disorder and that such disorder is causally related to accepted compensable employment factors.¹⁵

Appellant submitted short treatment notes from Dr. Carter, a Board-certified family practitioner, who diagnosed anxiety disorder and depression. However, Dr. Carter did not provide any history of injury beyond noting only that he had treated appellant in April 1996 with medication. His reports are not sufficient to establish appellant's claim as they do not provide a rationalized opinion on causal relationship based on a complete and accurate history of appellant's medical background or contain a report of findings on examination. The opinion of Dr. Carter is therefore of diminished probative value.

Dr. Fredstrom, a Board-certified psychiatrist, submitted an April 26, 2002 report which diagnosed recurrent major depression and a generalized anxiety disorder. She stated that appellant's symptoms began four or five years prior, triggered by stressful events at work

¹³ See *Anna C. Leanza*, 48 ECAB 115, 122 (1996).

¹⁴ *Marguerite J. Toland*, 52 ECAB 294 (2001).

¹⁵ See *William P. George*, 43 ECAB 1159, 1168 (1992).

“having to pull business permits from violators and then experiencing harassment and risk of personal safety as well as the poisoning of his dog and threatening innuendos over a period of time.” She noted that appellant was followed by Dr. Carter and stated that appellant had not felt like his normal self since December 2001, when “the ranger apparently blamed [appellant] for an incident that is in your records.” The Board finds that the report of Dr. Fredstrom is of diminished probative value as it is not based on an accurate factual background of the case, did not report any findings of a mental status examination or cite any psychological testing or studies consulted in formulating her opinion. She mentioned the December 2001 meeting with Ranger Nyman, but not with any detail, and noted only that the ranger had apparently blamed appellant for an unidentified incident. As her report is not based on a clear and detailed history of injury, it is of diminished probative value in this case.

Appellant also submitted a series of reports from Dr. Miller, a Board-certified psychiatrist, who diagnosed major depressive disorder and attributed appellant’s condition to severe job difficulties, including threats of violence, vandalism against his property and the death of a dog. Dr. Miller did not base her report on a detailed history of injury and did not provide medical rationale in support of her stated conclusion supporting causal relationship. For this reason, her reports are also of diminished probative value.

The Board finds that the weight of medical opinion is represented by the report of Dr. Anderson, a Board-certified psychiatrist. He was provided a statement of accepted facts by the Office, which included a description of the accepted threat to appellant’s safety and harassment encountered during his work on the Clark family permits, which included the search of his government truck and trailer during this period. On March 4, 2003 Dr. Anderson provided a thorough medical report which provided findings on physical and mental status examination of appellant. He reviewed the medical history and onset of appellant’s symptomatology and diagnosed recurrent major depression and generalized anxiety. Dr. Anderson addressed a positive family history for anxiety and depression and that appellant’s condition had been present for 15 to 20 years and became progressively worse. He noted that appellant’s reaction to conflict during the Clark family permit review would be increased anxiety in response to the harassment he received, but that this was of a temporary nature and once the situation subsided it would no longer be a contributing factor to appellant’s emotional condition. Dr. Anderson also noted that the episode related to the December 20, 2001 meeting with Ranger Nyman was very brief, and while appellant’s anxiety and frustration may have been heightened, the influence on his overall condition would soon cease. He characterized these exposures as temporary aggravations of appellant’s affective mental illness, which were brief and would aggravate his condition for no more than three to six weeks. Dr. Anderson noted that appellant had retired and moved from Wyoming to Michigan, but still had a substantial affective mental illness. He stated that appellant’s illness was progressive and that his past work exposure did not play any role in his current condition. Dr. Anderson subsequently reviewed the results of psychological testing, which he stated reflected a poorly adjusted individual with a pattern of over-reacting to conflicts in his life. He indicated that, with psychiatric counseling, appellant could return to work for four hours a day.

In assessing medical evidence, the number of physicians supporting one position or another is not controlling. The weight of medical evidence is determined by its reliability, its

probative value and its convincing quality.¹⁶ The factors that comprise the evaluation of medical evidence include the opportunity for and thoroughness of examination, the accuracy and completeness of the physician's knowledge of the facts and medical history, the care of analysis manifested and the medical rationale expressed in support of the physician's stated opinion. Based on these factors, the Board finds that the reports of Dr. Anderson are detailed report, based on an accurate medical history and background of the case and incorporate findings made on mental status evaluation and psychological testing of appellant. Dr. Anderson noted that, at most, appellant experienced only a temporary aggravation of his preexisting affective mental condition as a result of his harassment by the Clarks in 1997. He indicated that the period of such aggravation would last from three to six weeks. Dr. Anderson also noted that appellant would similarly experience heightened frustration and anxiety during the December 21, 2003 meeting with Ranger Nyman, leading to another temporary aggravation of his underlying emotional condition. As noted however, it has not been established that the ranger erred in discussing appellant's job performance or was verbally abusive towards him on that day. For this reason, it is not a compensable factor of employment. Dr. Anderson indicated that the history of anxiety and appellant's affective disorder was progressive and that the history did not reflect any prolonged or continuous stressors that would permanently aggravate his underlying condition. The report of Dr. Anderson is sufficient to establish that appellant had an aggravation of his underlying emotional illness related to harassment by the Clark family in 1996. This corresponds to his treatment for anxiety as addressed by Dr. Carter, for which medication was prescribed. Appellant has not established, however, that his affective disorder was permanently aggravated by the accepted factor in this case or that his disability commencing on or about January 14, 2002 was casually related to his federal employment.

CONCLUSION

The Board will affirm the September 16, 2003 decision of the Office, as modified, to find that appellant's affective disorder was temporarily aggravated in 1996 by the accepted compensable factor of harassment. The Board finds that appellant not established that his disability for work commencing on or after January 14, 2002 is causally related to his federal employment.

¹⁶ See *Anna M. Delaney* 53 ECAB 384 (2002).

ORDER

IT IS HEREBY ORDERED THAT the decisions of the Office of Workers' Compensation Programs dated September 16 and March 14, 2003 are affirmed, as modified.

Issued: June 3, 2005
Washington, DC

Colleen Duffy Kiko
Member

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member