



became aware of the injury and its relation to his work on June 10, 1999. Appellant alleged that he could not sleep, that he became fatigued while working and that he had difficulty concentrating or remembering clearances that he had issued to aircraft. He would become angry when he realized that he had made a mistake. Appellant stopped work on October 30, 2002. The employing establishment explained that he was removed for failing to maintain the required medical certification and for his inability to perform the essential functions of his position.

Appellant submitted an undated statement, received on January 15, 2003. He was unsure when his problems began but initially believed that they were due to back pain, caused by two herniated discs.<sup>2</sup> Appellant noted, however, that he had not had back pain for many years and, despite pain medication, he was always tired and sluggish. Because of fatigue and difficulty concentrating, appellant became frustrated and afraid of what might happen if he made a mistake. In March 1999, he was diagnosed with major depression due to stress and placed on an antidepressant. Appellant also related recurring symptoms when placed in stressful situations. He stated that his position was very stressful because he worked a constantly rotating shift which placed stress on his family life as he did not have time to rest. Appellant noted that his days off were Wednesday and Thursday; however, he was assigned to work 3:00 p.m. to 11:00 p.m. every Friday, Saturday and Sunday, followed by a 1:00 a.m. to 3:00 p.m. shift on Monday and Tuesday. He noted that this schedule only allowed him to have eight hours between the shifts, which made it impossible to rest. Appellant stated that his situation became “intolerable” when the employing establishment denied his request for a new schedule. His workload increased significantly due to the increased air traffic volume. Appellant noted that the temperature where he worked was often over 74 degrees which caused fatigue and agitation. He became angry when younger controllers made derogatory and embarrassing remarks about him and older controllers with age-related comments, such as he was “too old and too slow to do the job.” To reduce stress, appellant did not work overtime. He also noted that, while working the radar position, appellant often worked by himself, due to staffing shortages and that he would have to do both his job and the “handoff controller’s job.” Appellant advised that it was not uncommon to be called by several people at once, which pressured him to move faster so that he would not fall behind. He had difficulty prioritizing tasks and remembering clearances he had issued. When appellant first started light duty, he had two assistant controllers helping him but then, after a few weeks, appellant had to do the work by himself. His light-duty job required constant walking, bending and lifting heavy objects at a rapid pace during heavy traffic which caused him to fall behind. Appellant notified management but the situation was not corrected. He also alleged that his normal break time was reduced.

On October 12, 2000 appellant became overwhelmed by the amount of work and having to work where the temperature was 73.9 degrees. On August 22, 2001 he worked at a rapid pace for a long period and became mentally and physically fatigued. On February 25, 2002 appellant was so overwhelmed with his work that a nurse in the flight surgeon’s office would not allow him back to work due to his high pulse rate and blood pressure. He noted that he could no longer recover from these episodes and that just watching other controllers made his stress level rise.

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<sup>2</sup> The record also reflects that appellant had a preexisting, nonwork-related back condition.

Appellant submitted copie of his prior denied claim, personnel records, treatment notes from Dr. Glenn M. Zuck, an osteopath, Board-certified in orthopedic surgery and an undated statement from Sam Shelton, the operations manager, who advised that appellant performed satisfactorily from November 2, 1998 through March 12, 1999 without operational errors or deviations. From March 12, 1999 until his removal from the floor, he worked as an air traffic assistant, which could be performed without a medical certificate. Mr. Shelton explained that the position was neither physically nor mentally stressful. He noted that appellant received much on-the-job training, that the work schedules were assigned at the beginning of each year, that appellant always maintained the required separation with regard to air craft, that the target temperature for the control room was 73 degree plus or minus two degrees and that management investigated all issues brought to its attention.

In a November 7, 2002 report, Dr. Ronald J. Taddeo, a Board-certified psychiatrist, noted that appellant experienced poor sleep pattern, irritability, poor concentration and memory lapses. Appellant related stress from working consecutive shifts and an 18 percent increase in air traffic. Dr. Taddeo noted that he experienced fatigue due to disc weakness in his back. Appellant alleged that younger air traffic controllers hurt his self-esteem which caused memory lapses, poor concentration, sleeping problems and anhedonia. While he was working light duty, there was a personnel shortage; however, Dr. Taddeo advised that he was able to “cope.” He indicated that on August 22, 2001, appellant was “required to work at rapid pace” and became mentally and physically fatigued such that he was unable to keep up with his work, fell behind and became overwhelmed by his workload. Dr. Taddeo opined that appellant was not able to perform his duties as an air traffic controller because “the stress of this environment was exacerbating his condition.” He explained that it “appears his workload, job stress and coworker peer pressure all played [causal] roles in his symptoms developing” and opined that appellant’s emotional disorder was causally related to his job stress.

In a letter dated February 5, 2003, the Office requested that appellant provide additional details regarding his light-duty position and derogatory comments made by his coworkers.

In a February 11, 2003 memorandum, Mr. Shelton noted that air traffic volume increased 1.3 percent per year, from 1998 to 2001 and staffing was adequate. Appellant’s performance was satisfactory while working the radar position from November 2, 1998 to March 12, 1999. Mr. Shelton indicated that appellant may have worked combined radar and radar associate position which was common during light traffic conditions, although assistance was always available. Regarding incoming calls, he noted that it was common for air traffic controllers to call an adjacent sector at the same time aircraft were calling. Mr. Shelton explained that appellant would not have been certified if he was not capable of performing these tasks. He also noted that the area where he worked was only staffed with one assistant on each shift and that appellant’s remarks about two assistants were inaccurate. Regarding breaks, they were assigned on a rotating basis and that appellant was given the same number of breaks as other controllers. On August 22, 2001 appellant worked in excess of two hours on position as it was a busy time of year. Mr. Shelton explained his duties involved putting paper strips into plastic strip holders and delivering them to the appropriate sectors. Appellant was assigned a schedule that required shift work and Mr. Shelton denied his allegation regarding his schedule. Mr. Shelton stated that appellant had a schedule that alternated from a week of days from 7:00 a.m. to 3:00 p.m. to a

week of nights from 3:00 p.m. to 11:00 p.m. and advised that any schedule changes were due to swapping with other controllers for personal reasons.

The Office also received copies of an investigative report from the employing establishment, which contained the complaints of appellant and several coworkers, but which did not contain any findings. A November 22, 1999 report from an Equal Employment Opportunity (EEO) counselor contained the complaints of him and several coworkers about discrimination and training of older employees, but which did not contain any findings.

In a February 27, 2003 letter, appellant reiterated his allegations and indicated that Mr. Shelton created a hostile work environment by implying that he and older coworkers were not as effective as other controllers. He listed several age-related remarks directed toward controllers, including that he was referred to as a DC-3 “(a very old propeller aircraft)” and often referred to as “slow.” Appellant also alleged that the flight surgeon lost some of his medical records, noting his medications which were found on the control room floor. Appellant alleged that coworkers later commented on his medication, referring to him as “crazy” or asking “did you take your loony pills today?” Appellant also alleged that his supervisor was abusive towards him and that Mr. Shelton’s report was misleading about his qualifications because he had an extensive background as a military controller in 1966 and then as an Federal Aviation Administration controller in 1970. Regarding the printer paper boxes, he indicated that he had to carry the printer paper about 150 to 200 feet and often had to carry 2 boxes at the same time, a total of 30 pounds. Appellant had to bend over and pick up the bucket containing the plastic strip holders, weighing about 25 pounds and carry it dozens of times during his shift which caused back pain. Regarding the assistant controller position, he alleged that there were originally two people and, shortly after he was assigned to do the work as “light duty,” he was working alone. Appellant noted that other radar areas used two assistant controllers on all shifts, except the midnight shift, even though the traffic volume was lighter. He alleged that, when working alone he performed 62.1 percent more work than others. Appellant repeated his complaints regarding his schedule and the building temperature.

In a March 14, 2003 report, Dr. Taddeo opined that “it appears his workload, job stress and coworker peer pressure at [the employing establishment] all played a role in his symptoms developing, therefore, [he] must conclude that his emotional disorder was ‘causally’ related to his job stress.” He advised that appellant could return to work as an air traffic controller, provided it was not at the employing establishment.

By letter dated April 22, 2003, the Office requested that Dr. Taddeo provide a reasoned opinion regarding how work factors caused or aggravated appellant’s claimed condition. He did not respond.

By decision dated June 30, 2003, the Office found that appellant established seven compensable work factors: (1) he was exposed to working conditions of between 71 to 75 degrees; (2) he walked 150 to 200 feet while carrying printer paper weighing up to 30 pounds; (3) he bent down to pick up a bucket containing plastic strip holders and carried it numerous times during his shift; (4) he worked a constantly rotating shift which only allowed eight hours rest between Sunday and Monday; (5) he occasionally had to work by himself while working the

radar position even though a supervisor was always available, (6) he received telephone calls from controllers in other sectors; and (7) he had problems making fast decisions and forgot clearances that he had given.<sup>3</sup> The Office found that the medical evidence was insufficient to establish a medical condition caused or aggravated by the compensable factors of employment.

On February 6, 2004 appellant requested reconsideration and submitted additional arguments. He alleged that the employing establishment failed to provide him with training. By decision dated June 30, 2004, the Office denied appellant's request for reconsideration. On July 16, 2004 he appealed to the Board. On December 23, 2004 the Board issued an order remanding case and directed the Office to review the merits of the claim.<sup>4</sup>

In a January 15, 2004 report, Dr. Taddeo, diagnosed major depression due to stress. He noted that appellant came to him in March 1999 after working three consecutive days with a shift time of 3:00 p. m. to 11:00 p.m., followed by two consecutive days of working from 7:00 a.m. to 3:00 p.m. Appellant related feeling very stressed at work that resulted from watching others work and from keeping pace with the increase in air traffic. It was especially stressful when he had to work alone, as he would fall behind and become overwhelmed. Dr. Taddeo noted that, in March 1999, appellant was reassigned to a day shift away from the stress of a control room environment and was placed on medication. However, in June 1999, he was reassigned to the control room environment with a rotating shift. Dr. Taddeo noted that he increased appellant's medication but that, in January 2001, he had a regression with exacerbation based on the employing establishment's failure to respond to his request for information about lost medical records. In August 2001, appellant experienced extreme emotional stress as he was unable to keep up with his work assignments and had another such incident in December 2001 related to his workload. Dr. Taddeo noted that the work temperature was maintained between 71 and 74 degrees; that several times during a work shift appellant would walk 150 to 200 feet and carry printer paper weighing up to 30 pounds. Appellant had to bend down and pick up and carry around a bucket containing posting strips and work at a rapid pace. Dr. Taddeo explained that he would fall behind and felt overwhelmed by his workload. He noted that appellant regressed in his condition shortly after being given this work assignment in June 1999 until August 2002, when he was removed from the control room environment. Dr. Taddeo opined that since this took place after the onset of appellant's condition, his major depression was more probably than not aggravated by these stressors.

Regarding appellant's rotating shift, Dr. Taddeo noted that, when he first sought treatment, appellant had poor sleep patterns, poor concentration, memory lapses, irritability back pain and low self-esteem. Appellant experienced fatigue due to a disc weakness in his back and despite seeking treatment with his family physician, he related that he had no pain relief. Dr. Taddeo explained that one of the most consistent side effects of shift work was sleep loss, with fatigue accumulating during the work week. Appellant experienced a disruption in his circadian rhythm, which led to feelings of tiredness and irritability because the body did not have enough time to adapt to the shift change. Dr. Taddeo concluded that he "clearly did not have

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<sup>3</sup> The Office found that other alleged factors were either noncompensable or not verified.

<sup>4</sup> Docket No. 04-1855 (issued December 23, 2004).

enough time for his body to adapt to the shift change or enough rest between the end of his shift at 11:00 p.m. and the beginning of his shift at 7:00 a.m. the next day.” He opined that since this stressor preceded the development of appellant’s condition it was more probable than not related to the development of major depression.

Dr. Taddeo also addressed appellant’s work by himself due to staffing shortages and explained that even if the situation existed for a short period of time, a single difficult event could produce a depressive episode. If appellant became overloaded with traffic and received assistance, “[b]y the time help arrived the stressful event had either been resolved or intensified.” Dr. Taddeo opined that this situation contributed to appellant’s stress. Furthermore, he addressed the factors that appellant had to work rapidly and efficiently and deal with telephone calls. Dr. Taddeo explained that he had difficulty making fast decisions and keeping pace with his workload. He explained that this combined with staffing shortages compounded the situation and caused appellant to feel that he was losing control. Dr. Taddeo opined that it was more probable than not that it was causally related to his major depression. He concluded that appellant’s emotional disorder was causally related to employment factors.

In June 7, 2005 decision, the Office modified the June 30, 2003 decision with regard to the accepted compensable factors. The Office determined that appellant’s reaction to having to work in an area in which the temperature was maintained between 71 and 74 degrees was not a compensable factor. The Office also noted that medical evidence was insufficient to establish his claim.

### **LEGAL PRECEDENT**

Workers’ compensation law does not apply to each and every 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 or coverage of workers’ compensation. Where the disability results from an employee’s emotional reaction to his regular or specifically assigned duties or to a requirement imposed by the employment, the disability comes within the coverage of the Federal Employees’ Compensation Act.<sup>5</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>6</sup>

A claimant 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.<sup>7</sup> This burden includes the submission of a detailed

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<sup>5</sup> 5 U.S.C. §§ 8101-8193.

<sup>6</sup> See *Thomas D. McEuen*, 41 ECAB 387 (1990), *reaff’d on recon.*, 42 ECAB 566 (1991); *Lillian Cutler*, 28 ECAB 126 (1976).

<sup>7</sup> *Pamela R. Rice*, 38 ECAB 838, 841 (1987).

description of the employment factors or conditions, which appellant believes caused or adversely affected the condition or conditions, for which compensation is claimed.<sup>8</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 the physician when providing an opinion on causal relationship and which working conditions are not deemed factors of employment and may not be considered.<sup>9</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 the matter establishes the truth of the matter asserted, the Office must base its decision on an analysis of the medical evidence.<sup>10</sup>

### ANALYSIS

Appellant alleged that his emotional condition resulted from a number of employment incidents and conditions related to his position as an air traffic controller. 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 alleged that he had to work in temperatures between 71 and 75 degrees because he had to keep moving, bending and lifting while he worked which was unacceptable. However, Mr. Shelton explained that the target temperature for the control room floor was 73 degrees, plus or minus 2 degrees. Appellant's allegation appears to be more of a preference for a particular temperature. The employing establishment maintained a target temperature and there is no evidence of any malfunctioning of the heating or cooling system. The Board notes that frustration from not being permitted to work in a particular environment or to hold a particular position is not covered under the Act.<sup>11</sup> Appellant has not established a compensable factor with regard to temperature.

Appellant alleged that he was not assigned a timely work schedule. 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 Act.<sup>12</sup>

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<sup>8</sup> *Effie O. Morris*, 44 ECAB 470, 473-74 (1993).

<sup>9</sup> *See Norma L. Blank*, 43 ECAB 384, 389-90 (1992).

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

<sup>11</sup> *James E. Woods*, 45 ECAB 556 (1994). To the extent that appellant alleges that his emotional condition was exacerbated by encountering these conditions in the performance of his regular or specially assigned duties, this is considered subsequently in the text of the decision with the discussion of the medical evidence. *See Kathleen D. Walker*, 42 ECAB 603 (1991) (conditions encountered in the performance of regular or specially assigned duties, such as occasional odors, noise and improper ventilation would constitute employment factors under the Act).

<sup>12</sup> An employee's emotional reaction to administrative actions or personnel matters taken by the employing establishment is not covered under the Act as such matters pertain to procedures and requirements of the employer and do not bear a direct relation to the work required of the employee. *Sandra Davis*, 50 ECAB 450 (1999).

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>13</sup> The employing establishment denied any error or abuse. Mr. Shelton, the operations manager, explained that all controllers were assigned an annual schedule at the beginning of each year and that the schedules were published on a monthly basis, 28 days in advance. Thus, appellant has not established a compensable employment factor under the Federal Employees' Compensation Act, with respect to these administrative matters.

Appellant also alleged that, after he was assigned a “light[-]duty” assignment, his supervisors began making him work alone on every shift. Mr. Shelton, from the employing establishment explained that Area B only required one assistant and appellant’s allegation that there were initially two was inaccurate. The Board notes that his reaction to such conditions and incidents at work must be considered self-generated in that it resulted from his frustration in not being permitted to work in a particular environment or to hold a particular position.<sup>14</sup>

Regarding appellant’s allegation’s regarding certification and training. The record reflects that the employing establishment noted that he was never fully certified in Area B, but explained that he received a large amount of on-the-job training. Appellant did not present any evidence of error or abuse on behalf of the employing establishment with respect to his certification and training. The Board has held that an employing establishment’s refusal to give an employee training as requested is an administrative matter, which is not covered under the Act unless the refusal constitutes error or abuse.<sup>15</sup> Appellant has not established a compensable factor with respect to his certification.

Appellant alleged that numerous derogatory remarks were made to him and his older coworkers. He referred to several instances, included an instance when appellant was referred to as a DC-3 and of being taunted with suggestions that he had lost his “loony pills.” However, appellant did not provide a listing of specific dates on which particular people made remarks. The employing establishment denied any knowledge with regard to these statements. While the Board has recognized the compensability of verbal abuse in certain situations, this does not imply, however, that every statement uttered in the workplace will give rise to coverage under the Act.<sup>16</sup> Appellant has not submitted sufficient evidence to show that particular comments

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<sup>13</sup> See *Richard J. Dube*, 42 ECAB 916, 920 (1991).

<sup>14</sup> *Tanya A. Gaines*, 44 ECAB 923, 934-35 (1993).

<sup>15</sup> *Lorraine E. Schroeder*, 44 ECAB 323, 330 (1992).

<sup>16</sup> See *Leroy Thomas, III*, 46 ECAB 946, 954 (1995); *Alton L. White*, 42 ECAB 666, 669-70 (1991).



were made by particular individuals at specific times, nor has he shown how any such comments would rise to the level of verbal abuse or otherwise fall within the coverage of the Act.<sup>17</sup>

Regarding appellant's allegations that air traffic increased dramatically over the years, the employing establishment denied his claim and noted that there was a 1.3 percent increase in air traffic volume from 1998 to 2002. They also indicated that there was sufficient staffing to perform the required work. They also noted that all personnel in Area B performed assistant duties when assigned and during increased air traffic volume overtime was assigned. Appellant has not provided sufficient evidence to factually support his allegation of a dramatic increase in air traffic.

Appellant also alleged that the employing establishment's flight surgeon lost his medical records and that these were later found in the control room floor where coworkers were able to view his private medical information. The employing establishment denied this and noted that the flight surgeon worked in another area in Jamaica, Queens, which was not near the employing establishment. Appellant did not support his allegation with specific dates, witness statements or other evidence. He has not submitted sufficient evidence to establish this allegation. Appellant has not established a compensable factor with respect to his allegation that his medical records were lost by the flight surgeon.

Appellant also alleged that Mr. Shelton created a hostile work environment by claiming that he and the older controllers were no longer effective as controllers. In support of his claim he submitted a copy of an EEO report which contained general statements from his coworkers. However, it did not contain any findings. Mr. Shelton also denied making such remarks. Without evidence such as witness statements, to establish that the statements actually were made or that the actions actually occurred on specific instances appellant did not establish a compensable employment factor with respect to these allegations.<sup>18</sup>

Regarding appellant's allegation that he was doing the work of two people in Area B, the employing establishment alleged that the assistant position in Area B was staffed with one person and his statement that there were originally two was inaccurate. He did not provide any evidence to support that he was given more work than others to corroborate his claim. Furthermore, these allegations relating to the assignment of work duties are administrative functions of the employer and not duties of the employee.<sup>19</sup> There is no evidence that there was any administrative abuse or error by management in the assignment of appellant's duties in Area B. Consequently, in the absence of evidence to the contrary, he has not established a compensable factor in this regard.

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<sup>17</sup> See, e.g., *Alfred Arts*, 45 ECAB 530, 543-44 (1994) and cases cited therein (finding that the employee's reaction to coworkers' comments such as "you might be able to do something useful" and "here he comes" was self-generated and stemmed from general job dissatisfaction). Compare *Abe E. Scott*, 45 ECAB 164, 173 (1993) and cases cited therein (finding that a supervisor's calling an employee by the epithet "ape" was a compensable employment factor).

<sup>18</sup> *Tina D. Francis*, 56 ECAB \_\_\_\_ (Docket No. 04-965, issued December 16, 2004).

<sup>19</sup> *Lori A. Facey*, 55 ECAB \_\_\_\_ (Docket No. 03-2015, issued January 6, 2004).

The Board finds that the following factors accepted by the Office are established. They include that, in the course of his job duties appellant often had to walk 150 to 200 feet and carry printer paper boxes weighing up to 30 pounds and that he had to bend down to pick up a bucket containing plastic strip holders and carry it from one end of Area B to the dozens of times a shift, often causing pain due to his preexisting herniated discs. As a result of this, he fell behind in his work. The Board has held that emotional reactions to situations in which an employee is trying to meet his position requirements are compensable.<sup>20</sup> The Office also accepted that appellant worked a constantly rotating shift with only eight hours rest between Sunday and Monday. The Board has held that a change in an employee's duty shift may be a factor of employment to be considered in determining whether an injury has been sustained in the performance of duty.<sup>21</sup> The Board finds that appellant's schedule, which only allowed him eight hours rest between Sunday and Monday is a compensable factor in this situation. In addition, the Office accepted that, while working the radar position, he occasionally had to work by himself even though a supervisor was always available. The Board finds that as appellant was attempting to meet his job duties while working the radar position and had difficulty, this would be compensable. Furthermore, the Office also accepted that he received telephone calls at the same time from controllers in other sectors. Because of this, the Office accepted that appellant had problems making fast decisions and forgot the clearances he had given. The Office properly found that this was an employment factor as he was trying to meet the requirements of his position.<sup>22</sup>

Appellant has established six compensable factors of employment. However, his burden of proof is not discharged by the fact that he has established an employment factor which may give rise to a compensable disability under the Act. To establish his occupational disease claim for an emotional condition, appellant must also submit rationalized medical evidence establishing that he has an emotional or psychiatric disorder and that such disorder is causally related to the accepted compensable employment factor.<sup>23</sup>

In a November 7, 2002 report, Dr. Taddeo attributed appellant's emotional stress to working consecutive shifts often caused fatigue. He also noted that increased air traffic added to appellant's stress. Dr. Taddeo also noted that on August 22, 2001 appellant had to work at a rapid pace and was unable to keep up with his work assignment and opined that his workload, job stress and coworker peer pressure played roles in his symptoms developing and opined that his emotional disorder was causally relate to his job stress. In his March 14, 2003 report, Dr. Taddeo opined that his workload, job stress and coworker peer pressure caused his condition. Also, in his January 15, 2004 report, Dr. Taddeo attributed his condition to several of the accepted compensable work factors such as walking 150 to 200 feet to get printer paper weighing up to 30 pounds and picking up a bucket containing plastic strips around the office which caused pain due to appellant's two herniated discs. He referred to the physical nature of

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<sup>20</sup> See *Georgia F. Kennedy*, 35 ECAB 1151, 1155 (1984); *Joseph A. Antal*, 34 ECAB 608, 612 (1983).

<sup>21</sup> *Katherine A. Berg*, 54 ECAB 262 (2002).

<sup>22</sup> *Id.*

<sup>23</sup> See *William P. George*, 43 ECAB 1159, 1168 (1992).

bending, lifting and carrying, combined with the exposure to temperatures between 71 and 74 degrees, which caused him to slow down and fall behind, which led to appellant feeling overwhelmed by his workload. Dr. Taddeo also addressed the compensable factor that appellant's schedule which only allowed him eight hours from Sunday to Monday created a disruption in circadian rhythm which led to tiredness and irritability. He also noted that appellant had more stress when working by himself and explained that a single incident could cause stress. Dr. Taddeo noted that he worked by himself while working the radar and that it was stressful receiving telephone calls from controllers in other sectors and affected appellant's ability to make fast decisions.

The Board finds that the reports of Dr. Taddeo contain a history of injury, as well as an opinion that the condition was causally related to several of the accepted employment factors. The reports are uncontradicted by any opposing medical evidence and sufficient to require further development of the claim. Although Dr. Taddeo's reports are insufficient to meet appellant's burden of proof as he fails to provide adequate medical rationale describing how and why appellant's employment caused or aggravated his emotional condition, they do provide an uncontroverted medical opinion indicating that his emotional condition was caused or aggravated by several of the accepted employment factors, including the shifts appellant was working and the attempts of him to complete the demands of his position while working alone and while obtaining printer paper and carrying the printer boxes and finds that they are sufficient to require further development of the case record by the Office.<sup>24</sup> On remand the Office should prepare a statement of accepted facts and refer appellant to an appropriate physician for an opinion as to whether those accepted factors caused or aggravated his emotional condition. After this and such other further development as the Office deems necessary, the Office should issue an appropriate decision.

### CONCLUSION

The Board finds this case is not in posture for decision.

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<sup>24</sup> *John J. Carlone*, 41 ECAB 354, 358 (1989).

**ORDER**

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated June 7, 2005 is set aside and remanded for further development consistent with this opinion.

Issued: March 3, 2006  
Washington, DC

Alec J. Koromilas, Chief Judge  
Employees' Compensation Appeals Board

David S. Gerson, Judge  
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge  
Employees' Compensation Appeals Board