

In a statement supporting her claim, appellant alleged that inadequate training, job procedures and oral communication by management over a period of months caused job stress, profound depression and anxiety. In the middle of January 2004, she transferred into the DECA-Europe Accounting Branch. This was a new division created to perform accounting work transferred from Germany. Appellant was given an opportunity to learn the accounting side of DFAS along with learning new computer systems. She was seated in a four-person group of cubicles, by herself, separated from the other accountants and financial specialists that had transferred into the new division. Toward the end of January appellant attended training on the Standard Financial System (STANFINS) computer system that they would be using to input their work. The next week she received training pertaining to the DECA area. Appellant asserted that the instructor providing this training was unable to answer questions regarding why this information was valid, since this course was directed to the OCONUS side of accounting for interfund transactions and they would be working on the OCONUS side of accounting for interfund transactions. She further asserted that the instructor basically hurried through the remaining information provided in the chapter covering interfund transactions.

In February 2004 when work began transferring in for the DECA-Europe program, also known as OCONUS, two men from Germany arrived to help with the transition to the new program and to provide additional training. Appellant alleged that the two Germans did not provide her with any individual training on the interfund transactions during the duration of their visit, although these two men individually assisted other employees who were being trained for the same tasks. She stated that the only training she received occurred during two group meetings; one of these lasted about 30 minutes and concerned the OCONUS transactions along with other DFAS-Europe payroll transactions, which were assigned to a coworker, and another which lasted for approximately one hour.

Appellant alleged that in March 2004 Greg Swonger, her supervisor, the Chief of DECA, Europe Accounting Branch, passed by her desk and, without even stopping, told her that she needed to get the interfund transactions processed. She subsequently advised him that she needed help; however, he told her he was in the middle of something or had to attend a meeting and would get back to her. Appellant stated, however, that when her supervisor was done with those assignments he began helping other employees but did not get back to her. She stated that this scenario was repeated several times, until he finally had a few minutes to spare and gave her a demonstration of the new system. Appellant watched Mr. Swonger process an interfund billing into the system; however, while he gave her screen prints of his input he did not explain the process. The next day, realizing that he had submitted incorrect input, Mr. Swonger checked the system. He cancelled his initial input and reprocessed the transaction into the system with a different interfund bill due to the error he had made. However, that transaction also failed. Mr. Swonger did not explain this process to appellant or why or how he determined that what he had originally processed the day before was incorrect. The next day appellant checked the transaction, saw it was processed but recognized that it contained an error code. She researched the information from the report and from what she determined there should have been nothing in the error code field. When appellant approached Mr. Swonger with the report he told her not to worry about it but again he did not explain what had happened. She stated that she was confused and frustrated and returned to her desk to work on something else.

In April 2004 before inputting the interfund transactions, appellant pulled and read all the reference material she could find pertaining to the interfund process. She stated that she was unable to find any desk procedures or any other reference material covering the OCONUS side of interfund for guidance on processing the transactions into the STANFINS system. Appellant then asked a coworker to help her. The coworker told her to ask Mr. Swonger and another coworker for help. Since Mr. Swonger had not helped appellant with her problem, she approached the other coworker, who told her that she could not help her with the nonretail interfund transactions since she had never done them before. Appellant again asked Mr. Swonger for help, but the same scenario that had occurred during the previous month happened again; Mr. Swonger had time to spend working with and answering questions for others but never got back to appellant. Finally, with the end of the month cutoff drawing near, she again approached him for help. Mr. Swonger suggested that they go to see another coworker who had transferred in from the German office, since she had worked on interfund transactions while working in Germany. This coworker explained how she inputted the transaction but stated that the relevant codes had always been provided to her by someone else. Mr. Swonger then told appellant to pull an old report of interfund transactions that had been processed in the German office and use the appropriations they had used; appellant then processed the information gathered from the old report. The next day, the daily input report still showed error codes. Again appellant approached Mr. Swonger and asked him why she was still getting error codes. Again Mr. Swonger stated not to worry about the error codes. He further stated that the STANFINS system was not designed to handle nonretail interfund transactions. Appellant stated that she was beginning to feel stress and anxiety every time she had to work the interfund transactions; she further stated that her work problems were affecting her health by this time. She was a diabetic and suspected that her blood sugar levels were elevated based on the different body signs she was experiencing.

In May 2004 appellant spent several hours searching for more information regarding the OCONUS system and re-reading everything she found on interfund. Since no one else had been able to help her, she decided to try something on her own. Appellant decided to use the information from the old report, but use the fund code her coworker had told her they had always used. According to the daily input report, some of the transactions she processed were rejected and the one that had processed still contained error codes. Appellant felt that nothing she did seemed to be working right and her stress and anxiety persisted. She consulted a physician, who confirmed her suspicions regarding elevated blood pressure and blood sugar levels.

In June 2004 appellant decided she would use the instructions from the course she had taken in January, even though other students had questioned whether the procedures were correct. This did not work either; she still was receiving error codes after inputting into the system. Appellant's stress and anxiety were increasing, and she was beginning to experience difficulty sleeping at night.

In July 2004 appellant decided to return to the methods by which Mr. Swonger had instructed her a few months before, notwithstanding her doubts as to whether this method would work. She stated that, while she was engaged in this procedure, a coworker walked up from behind her and watched what she was doing. In the middle of processing one of the transactions, this coworker spoke up and told appellant that her procedures were incorrect and that she needed to delete all of the transactions she had inputted into the system. She then walked away without

explaining how to correct her work. This made appellant even more confused because she believed that this coworker's advice contradicted what Mr. Swonger had told her regarding these transactions. Soon after this Mr. Swonger approached appellant and told her not to worry about processing the interfund transactions that month because Karl, an employee from Germany, would be arriving in August to "straighten out" these transactions. In addition, Karl would bring a report that contained problems from previous interfund transactions that she had processed. This resulted in more stress; appellant also began to experience chest pains. She also was reporting for work in an exhausted state due to her inability to sleep.

In August 2004 Karl arrived from Germany. He brought a report indicating that approximately one and a half pages of transactions that had posted to the wrong ledger account and needed to be backed out to the STANFINS system. With Karl's help, appellant was able to make reversals of these transactions in time to meet her end of the month deadlines. She stated, however, that her stress and anxiety persisted because she only had one month to get all the previously processed interfund transactions corrected and reprocessed correctly prior to September 28, 2004, along with all of the other unfinished work on her desk.

In the middle of September 2004 DECA headquarters called Mr. Swonger, stating that the APC code that they were using was wrong and that none of the interfund transactions should be posted to the APC code. Appellant stated that she had been told to use this APC code in August, based on Karl telling them that all the interfund billings were for surcharges. However, based on his telephone call with DECA headquarters, Mr. Swonger was now contradicting Karl's advice and advising his employees that the interfund billings were not surcharges. Appellant stated that this incident caused her stress level to soar to the extent that she was now having anxiety chest pains all the time. She stated that she was so emotionally stressed that she felt like her chest was going to explode. Appellant related that she was now going to have to reverse all of the interfund transactions she had processed in August and the beginning of September. DECA headquarters did offer to provide the correct appropriation lines as she could send them a copy of one of the interfund bills she received. She provided them with a copy of a few of the billings. By this time, appellant related, every day she went to work, till the end of September, she was completely stressed out, constantly experiencing anxiety chest pains, and exhausted from a lack of sleep, and feeling overwhelmed because she knew she needed to try to get as much done as possible. She had to force herself to focus and comprehend what she was working on. Appellant became so confused with so many transactions being processed in and out of the system that she was having trouble figuring out what still needed to be corrected. She stated that she became increasingly anxious and stressed because she needed to close and reverse all of the incorrect transactions back out of the system by the end of September. When September 28, 2004, the last day, arrived, appellant processed everything that she had researched that needed to be backed out of the system, along with processing some of the interfund billings that DECA headquarters had provided her. The next morning when she pulled the reports to check her work from the previous day, she saw that the transactions she had processed using the information the DECA headquarters had provided had been rejected. At that point appellant was totally defeated, feeling that no one could provide her with the correct information to do her job correctly. She felt completely dysfunctional and could not even remember what she had tried to work on that day or how she even got through the day.

On September 30, 2004 appellant felt that she had to force herself to go to work. When she sat down at her desk, before beginning work, she began crying uncontrollably, as she had reached the point where she could no longer control her stress and anxiety; she felt that she had to remove herself from the workplace. Appellant forced herself to go to the division chief to tell her she needed to go home. She has not returned to work since that day, as she believed herself no longer able to tolerate the job-related stress.

In a statement dated November 9, 2004, Mr. Swonger rebutted appellant's allegations. He stated:

“[Appellant] joined our staff in January 2004 understanding this to be a new workload for DFAS Columbus. The workload for DECA-Europe transferred to DFAS Columbus beginning February 2004. The entire staff worked diligently to learn and successfully accomplish this new workload. While the transition of a new workload can be a stressful event, we do not concur with [appellant's] statements indicating her depression is a direct result of job stress and inadequate support received by her employer. [Appellant] was provided with the same amount and quality of support received by the entire transition team, as outlined below. Additionally, we promote a team concept within the branch that encourages open communication and dialogue to educate while resolving work-related issues. As with any workload transfer, we experienced system problems and confusing workload issues. The staff worked as a team to prioritize and resolve these issues based on impact to the mission.

“Training: Prior to the transition, [appellant] received official classroom training for STANFINS Data Query, STANFINS nonretail accounting, and STANFINS DECA specific retail accounting. This training is the same type of training used by the organization from which the workload transferred. This training provided [appellant] and the entire staff with the basic tools necessary to begin work in DECA Accounting. All members of the staff were provided web sites, access to the STANFINS user manual, flowcharts, and other various forms of documentation to assist with researching DECA accounting issues. In addition, [appellant] was provided the Standard Operating Procedures for resale interfund, local purchase contracts, Vendor Credit Memorandums, and TBO transactions. Also, she received the eportal location to obtain the CCAS training manual, a hardcopy DLA customer service handbook, and the MILSBILLS interfund regulation.

“In February and August 2004, representatives from DFAS-Europe were onsite to assist us. All employees were encouraged to ask for assistance specific to their areas of responsibility. Since [appellant] did not communicate any problems, her supervisor arranged a meeting in August to discuss the nonretail interfund issues. After this meeting, [appellant] communicated to her supervisor she felt more comfortable with the process.

“As illustrated above, [appellant] was provided assistance in various aspects of her job. Additionally, she was provided names of subject matter experts in

various areas within our organization.... In addition, the staff received contacts at the DFAS-Europe storefront and at DECA-Europe. It seems, based on [appellant's] statement that she did not consider reference material, personal contacts or contact with her supervisor to be adequate, however, the quality was excellent. While her supervisor may have been busy with other issues when [appellant] approached him, he did follow up when he had the time to devote his attention to her questions.”¹

Mr. Swonger noted that the area in which appellant was experiencing difficulties, nonretail interfund billings, constituted only a small portion of her job duties. He listed a number of other job duties appellant was charged with, including retail interfund bills, retail unmatched disbursements on the accounts payable file, local purchase control problem instruments, working in CCAS reports for two appropriations, receiving transactions by others from the control section, issuing accordingly and ensuring they are processed in a timely fashion, and processing corrections initiated by the customer. Mr. Swonger indicated that appellant was very successful in the majority of her other job duties, and received favorable performance evaluations and awards as well as compliments from customers for her responses to their issues.² He stated:

“[Appellant] did not make us aware of her stress issue until September 30, 2004 when she brought it to the attention of her Division Chief, Barbara Crawford. During this discussion, [appellant] indicated that she has had a history of depression for some time. She stated that she was struggling with her depression currently due to certain situations in her life. [Appellant] indicated her stress was exacerbated by her concerns over her job performance and that her mother's periodic health problems were also a major contributor to her emotional state. At this time, [appellant] was reassured by Ms. Crawford about her performance and approved for leave for the remainder of the week in order to try to resolve her emotional issues.”

In regard to appellant's assertion that she was isolated from the other employees, Mr. Swonger stated that she worked in the same area as her coworkers and her supervisor. When he received notice of appellant's claim that her depression was work related he offered her a change of position, but she declined the offer. He enclosed copies of the standard job descriptions for appellant's position. Mr. Swonger indicated that the employing establishment reviewed appellant's time slips and determined that her work comprised far less overtime and compensatory time than other employees in the group. He stated that her time slips also indicated that she worked a full day on only two of the months closing dates since January and frequently used leave.

¹ The employing establishment submitted copies of email correspondence between management and appellant and between management and other personnel indicating that management had been supportive of appellant and similarly situated employees during her transition to the new program.

² The record contains copies of appellant's performance ratings for May 1, 2003 to April 30, 2004, exceptional, exceeded all elements; May 1 to December 28, 2003, exceptional, exceeded all elements; and May 1, 2004 to April 30, 2005, exceeded all elements, fully successful.

In a December 29, 2004 report, Dr. Michael Chan, Board-certified in family practice, noted that appellant had endured an emotionally abusive 30-year marriage. He related that appellant had received nonspecific, inaccurate and sparse communication and direction during her OCONUS training. Because of these factors, she was unable to complete this segment of her work assignment. Dr. Chan advised that appellant's inability to complete this portion of her assignment and the prolonged stress she endured in her office environment caused a relapse of major depression, recurrent and severe. He stated:

“Prior to this relapse, she had been stabilized on Effexor. This relapse manifested itself in the following manner: poor concentration, erratic sleeping patterns, high blood sugars [due to her diabetes], anxiety, depressive moods and chest pains. In addition to the above symptoms, [appellant's] relapse has put an inordinate amount of strain on her current marriage. She believes that what she wants and needs is ‘unimportant,’ therefore, she hesitates to communicate fully with her husband and children. This causes misunderstandings in her marriage.”

By decision dated February 4, 2005, the Office denied appellant's claim on the basis that she failed to establish any compensable factor of employment and thus fact of injury was not established.

On March 2, 2005 appellant requested an oral hearing, which was held on June 28, 2006.

In a report dated February 9, 2005, Dr. Sarah Jonaus, Board-certified in internal medicine stated:

“[Appellant] has been a patient of this clinic for many years. She was first diagnosed with depression in 1994, and was stable until October 2004. At that time, [appellant] had fairly acute and significant worsening of her anxiety and depression. This was due to changes that occurred at work as well as social stressors at home with her family. Unfortunately, at that time she was unable to function well, and I did advise her to take some time off of work to facilitate her recovery. Since that time, [appellant] has required multiple changes in medication including increasing her dose of Effexor and use of benzodiazepines including both Xanax and Ativan. She was evaluated at M[oun]t Carmel East hospital for profound depression and has been treated in group therapy as well as private therapy and evaluations by a psychiatrist. Because of her profound depression, the patient was unable to work.

“In addition to causing significant mental strain, [appellant's] worsening depression and anxiety also affected her diabetic control. During the time of her increased anxiety and depression, [appellant's] blood sugars were elevated and much more difficult to control as was her blood pressure.”

Appellant submitted a statement describing her previous mental health history, which was received by the Office on March 24, 2005. She indicated that she was not diagnosed with depression until her late twenties and was prescribed medication to help her control the depression. At the age of 29, in 1980, appellant attempted suicide by taking an overdose of anti-

depressant medication. In 1994 she was prescribed Prozac by a physician who was treating her for diabetes. Appellant stated that through her treatment with Prozac and years of psychiatric treatment she was able to terminate her 29-year marriage in 1998. She continued to take Prozac until 2003, when she switched to Effexor at the behest of Dr. Jonaus.

Appellant submitted a March 1, 2005 statement in which she challenged statements made by Mr. Swonger and reiterated her previous allegations regarding her difficulties in the OCONUS training program.

At the hearing, appellant reiterated her allegations that she received inadequate training and inadequate procedures when she assumed her duties with the nonretail interfund, OCONUS program. She reviewed her history of psychiatric problems, indicating that she had previously been on medication for depression and panic attacks, stemming from her previous marriage, had attempted suicide in 1980 at the age of 29, and had periodically missed days from work due to depression. Appellant stated that she had been able to work until August 2004 when she began experiencing panic attacks, chest pains, flare-up in her diabetes condition, and insomnia as the end of the fiscal year approached and the pressure on her intensified. She asserted that she constantly thought about her work ethic, even when she was at home. Appellant testified that she feared that she was not serving her DFAS customers in a competent manner or adhering to the employing establishment's accounting principles. She acknowledged that the employing establishment offered her a transfer to another position; however, she stated that they did not offer her this position until October 2004, after she had stopped working due to her alleged emotional condition.

In a statement dated July 11, 2006, Mr. Swonger disputed appellant's testimony that the STANFINS system was incapable of handling the nonretail interfund transactions and that appellant did not receive adequate on-site training and support. He acknowledged that there were some system problems and workload issues, as with any workload transfer; however, he reiterated that he advised appellant that these errors were not a problem. Mr. Swonger stated that he contacted personnel who inputted nonretail interfund transactions at DFAS-Rome, obtained their advice and inputted a sample transaction, which they reviewed to validate the following day to see if it processed correctly. If they were not processed correctly, they would reverse the erroneous transaction and try it again. Mr. Swonger said that personnel arrived from Germany in August 2004 to help with the transitional problems -- he noted that they also used the STANFINS system -- and reiterated that the majority of appellant's workload was not related to

the nonretail interfund bills. He also reiterated that appellant's lack of ability to input these interfund bills was not held against her on her appraisal.³

In a July 11, 2006 statement, Ms. Crawford, the former division Chief of DECA Accounting, stated that appellant came into her office at the end of September and told her she was very stressed and wanted to go home. Appellant indicated that she suffered from depression and was having difficulty coping at work and was experiencing stress caused by her mother's health problems. Ms. Crawford stated that she was unaware of appellant's depression prior to that conversation. She advised that when appellant returned to work she communicated more about her illness and they rearranged her duties so that she no longer had to deal with nonretail interfund transactions.⁴

By decision dated September 15, 2006, an Office hearing representative affirmed the February 4, 2005 Office decision.

By letter dated November 9, 2006, appellant requested reconsideration.

By decision dated December 14, 2006, the Office denied appellant's application for review on the grounds that it neither raised substantive legal questions nor included new and relevant evidence sufficient to require the Office to review its prior decision.

By letter dated January 24, 2007, appellant requested reconsideration.

Appellant submitted a January 17, 2006 report from Janet Clark, Ph.D, in psychology, who noted that appellant was involved in a dysfunctional marriage from 1969 to 2000 in which she received minimal emotional support from her husband. This led to a total loss of self-

³ In a statement dated August 15, 2006, appellant's coworker, Barbara Figurski, stated:

"I wanted to write and tell the frustrations we encountered when we first started our jobs in DECA-Europe.

"I personally was very frustrated because the help we had available didn't know a lot of the procedures. The people who did know the procedures were not willing to help because the jobs we held were a higher grade than theirs. I cannot blame anyone in particular because I'm sure they did what they could for me. Our supervisor even apologized for not spending more time with us.

"Problems also arose because [appellant] and I came from jobs that were totally alien to the DECA procedures and most of the others in DECA-Europe had worked in the United States DECA before they transferred. We had used completely different computer programs, processes, etc. I can say that if I was not as mentally strong as I was, I may have had a similar outcome as [appellant].

"As far as working with [appellant], I thought she was not treated well when she got sick. I heard rumors that they were looking for ways to fire her and even heard the rumor that it was going to happen. I was aware of her processing work and having to reverse it and do it again as a trial and error thing. I heard her blamed for not getting something done which wasn't her job in the first place. I understand her outcome now and wished I had done more to help while she was here."

⁴ Appellant submitted an August 18, 2006 statement which disputed the July 11, 2006 statements from Mr. Swonger and Ms. Crawford.

esteem, including a suicide attempt in 1980. Dr. Clark related that appellant began to experience physical problems in 1992, which were diagnosed as symptoms of diabetes in 1993. As noted earlier, appellant was prescribed Prozac in 1994 and was diagnosed as having major depression in 1994. Dr. Clark further noted that appellant experienced increased stress around September 2004, the point when her work-related problems culminated, due to her mother's deteriorating health.

Dr. Clark related that appellant experienced irritability, sleeplessness, lack of contact with other family members, low energy level, mood swings, crying spells and feelings of hopelessness and helplessness. She diagnosed major depression, recurrent, severe; panic disorder with agoraphobia, deferred, obsessive-compulsive features. Dr. Clark noted that appellant returned to work in January 2005, but attempted suicide in June 2005. She concluded:

“It is my opinion that [appellant's] disability is directly related to her employment as accountant [with the employing establishment] as is typical of people who are accountants, [appellant's] personality characteristics include perfectionism, devotion to work and productivity and overconscientiousness. When [appellant] was unable to perform her job correctly, this placed a great deal of stress on her. She attempted to solve the problem through a number of means, but she had no experience and inadequate training in this specific area, so that she was still unable to complete her job assignment with nonretail interfund transactions. Over time, she felt more and more stressed, leading to her emotional “breakdown” and her inability to function at work. Following return to work, she remained stressed and soon relapsed, which led to an inability to perform job duties and a suicide attempt.... There are major disruptions in recreation and relationships as a function of her psychological difficulties and self-esteem is low. She is unable to work.”

By decision dated February 28, 2007, the Office denied appellant's application for review on the grounds that it neither raised substantive legal questions nor included new and relevant evidence sufficient to require the Office to review its prior decision.

LEGAL PRECEDENT

To establish that an emotional condition was sustained in the performance of duty there must be factual evidence identifying and corroborating employment factors or incidents alleged to have caused or contributed to the condition, medical evidence establishing that the employee has an emotional condition and rationalized medical opinion establishing that compensable employment factors are causally related to the claimed emotional condition.⁵ There must be evidence that implicated acts of harassment or discrimination did, in fact, occur supported by specific, substantive, reliable and probative evidence.⁶

⁵ See *Debbie J. Hobbs*, 43 ECAB 135 (1991).

⁶ See *Ruth C. Borden*, 43 ECAB 146 (1991).

The initial question is whether appellant has established factors of employment that contributed to her alleged emotional condition or disability. Where the disability results from an emotional reaction to regular or specially assigned work duties or a requirement imposed by the employment, the disability comes within the coverage of the Act.⁷ On the other hand, disability is not covered where it results from an employee's fear of a reduction-in-force, frustration from not being permitted to work in a particular environment or to hold a particular position, or to secure a promotion. Disabling conditions resulting from an employee's feeling of job insecurity or the desire for a different job do not constitute a personal injury sustained while in the performance of duty within the meaning of the Act.⁸

ANALYSIS

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

Appellant alleged that she sustained stress in the performance of her duties as an accountant pertaining to her transition to the new OCONUS computer system, involving the inputting of nonretail transactions, and her monthly and yearly quotas. The Board has held that emotional reactions to situations in which an employee is trying to meet his or her position requirements are compensable.⁹ As appellant has related that her emotional condition was aggravated by the requirements of her work as an accountant, she has established a compensable factor of employment. Appellant's supervisor, Mr. Swonger, acknowledged that there were problems with the OCONUS system transition and that appellant required assistance from him and from other employees on several occasions. The reports from Drs. Jonaus and Chan indicated that appellant experienced increasing anxiety, self-doubt, hopelessness and crying spells related to stress at work since being transferred to a new position in January 2004. These physicians noted that she felt overwhelmed, stressed and concerned about her ailing mother, who had recently undergone open heart surgery. Dr. Jonaus diagnosed depression and anxiety and released appellant from work. Dr. Chan stated that appellant experienced poor concentration, erratic sleeping patterns, high blood sugar level due to her diabetes, anxiety, depressive moods and chest pains. He noted that she had endured an emotionally abusive 30-year marriage and had developed a major depression condition, for which she had been prescribed Effexor. Dr. Chan advised that appellant's problems with completing her assignments and the prolonged stress she endured in her office environment caused a relapse of major depression, recurrent and severe.

The Board finds that appellant has established a compensable factor of employment under *Cutler*. Appellant therefore has established a *prima facie* claim for compensation. The Board further finds that the reports from Drs. Jonaus and Chan are sufficient to raise an inference of causal relationship between appellant's emotional condition and her accepted employment factor to require further development of the medical evidence. The physicians attribute an aggravation of her condition, in part, to the work requirements of her position. Furthermore,

⁷ *Lillian Cutler*, 28 ECAB 125 (1976).

⁸ *Id.*

⁹ See *Lillian Cutler*, *supra* note 4.

appellant's psychologist, Ms. Clark, opined that appellant's difficulties in performing her job duties regarding nonretail interfund transactions led to an aggravation of her emotional condition. For this reason, the case will be remanded to the Office for further development of the claim.¹⁰

As to the other allegations raised, the Board finds that appellant has submitted insufficient evidence to establish compensable factors of employment. An employee's emotional reaction to an administrative or personnel matter is not covered under the Act, unless there is evidence that the employing establishment acted unreasonably.¹¹ In the instant case, appellant has presented no evidence that the employing establishment acted unreasonably or committed error with regard to the incidents of alleged unreasonable actions involving administrative or personnel matters on the part of the employing establishment. The Board has held that an employee's dissatisfaction with perceived poor management constitutes frustration from not being permitted to work in a particular environment or to hold a particular position and is not compensable under the Act.¹² Appellant has not submitted sufficient evidence to support her allegations that the employing establishment ignored her requests for assistance, gave her incorrect and contradictory instructions, imposed an unusually heavy workload and issued unreasonable deadlines. She asserted that she received insufficient training and guidance from management in transitioning to the OCONUS system and inadequate responses to her requests for assistance. However, these complaints were rebutted by the statements from Mr. Swonger, who indicated that appellant underwent the same training procedures as other employees in her group and had access to the same training resources and means of assistance. The memoranda and letters from Mr. Swonger and other management personnel indicated that appellant, along with other employees, experienced difficulties in working out the inevitable glitches entailed by transitioning to a new system, but that the majority of its employees eventually adjusted and adapted to the new procedures. The employing establishment demonstrated that it made efforts to assist appellant with her transition and that she was given sufficient time to complete her work assignments. Mr. Swonger and Ms. Crawford also indicated that appellant was assisted by other employees who were knowledgeable in the OCONUS program. While Mr. Swonger acknowledged that he had been busy during one or two of the times when appellant approached him for assistance, he asserted that he endeavored to get back to appellant and address whatever concerns she may have had. In addition, while appellant asserted that she felt extreme pressure due to the errors she encountered while attempting to use the new system, her persistent inability to successfully input nonretail, interfund transactions, and the pressure to meet quotas and deadlines, the record indicates that the employing establishment sought to reassure appellant that

¹⁰ In light of the Board's decision to set aside the September 15, 2006 decision of the hearing representative, it need not consider the December 28, 2006 and February 28, 2007 nonmerit decisions. However, the Board notes that the Office did not consider Dr. Clark's January 17, 2006 report, submitted by appellant with her request for reconsideration, in its February 28, 2007 decision. This report provided an extensive, thorough review of the evolution of appellant's emotional condition and constituted probative evidence of how this condition may have been aggravated or contributed to by her work environment in August and September 2004. The Board therefore instructs the Office, on remand, to consider this report along with any other medical evidence adduced prior to the issuance of its *de novo* decision.

¹¹ See *Alfred Arts*, 45 ECAB 530, 543-44 (1994).

¹² See *Michael Thomas Plante*, 44 ECAB 510, 515 (1993).

it had anticipated errors and problems with the transition. Mr. Swonger produced evidence that management was understanding and supportive of appellant and had tried to assuage her concerns over the errors and difficulties in adjusting to the new system. He also demonstrated that he had attempted to tailor appellant's work requirements and standards to whatever difficulties she was experiencing. Ms. Swonger also stated that management had repeatedly indicated to appellant both verbally and in writing that it wanted to work with her in addressing performance issues. Appellant also has not established that she was subjected to unreasonable demands in setting performance guidelines for her. Thus, these actions on the part of management did not constitute a factor of employment.

Regarding appellant's allegation that she developed stress due to the uncertainty of her job duties and her insecurity about maintaining her position, the Board has previously held that a claimant's job insecurity is not a compensable factor of employment under the Act.¹³ Finally, in regard to appellant's assertion that she was isolated from the other employees at the worksite, the employing establishment indicated that she worked in the same area with her coworkers and her supervisor.

Accordingly, appellant has presented no evidence that the employing establishment acted unreasonably or committed error with regard to these incidents of administrative managerial functions. A reaction to such factors did not constitute an injury arising within the performance of duty; such personnel matters were not compensable factors of employment in the absence of agency error or abuse.

On remand, the Office should prepare a statement of accepted facts and further develop the medical evidence as appropriate. After such development as deemed necessary, the Office shall issue a *de novo* decision.

CONCLUSION

The Board finds that the case is not in posture for decision.

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

ORDER

IT IS HEREBY ORDERED THAT the September 15, 2006 decision of the Office of Workers' Compensation Programs is affirmed in part, and set aside and remanded in part, for further action in conformance with this decision.

Issued: March 21, 2008
Washington, DC

David S. Gerson, Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

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