



became aware of her condition and related it to her work in June 2002. Appellant stopped work in July 2002 and was terminated from employment on October 4, 2002.<sup>1</sup>

In several statements, appellant alleged that management discriminated against her because of her age and Mexican ancestry and that she was isolated from other employees in her unit. In April and November 2002, she stated that she was harassed by Elizabeth Bernardo, a coworker. In March 2001, appellant's daughter was accused of possessing jewelry that was missing from the employing establishment. Appellant alleged that she was singled out to perform undesirable duties in the early 1980s including manually throwing letters while sitting. In 1993 she asserted having an overbearing manager, Donna Lawrence. She alleged that, when she introduced herself to Karen Bailey, a supervisor, in 1993, she was not acknowledged. Appellant also alleged that Ms. Bailey did not properly handle a volatile work atmosphere. In 1994 Ms. Bailey improperly required appellant to attend a fitness-for-duty examination for threatening and intimidating coworkers. After the fitness-for-duty examination in 1994, appellant stated that Ms. Bailey kept her off work until she obtained medical clearance. She alleged that Cristina Samonte, a coworker, yelled at her on February 17, 1994 after she offered assistance in handling a customer service call. Appellant spoke to Larry Okamoto, a union representative, about filing a grievance; however, he did not file a grievance for her. On September 24, 2003 Mr. Okamoto did not assist her in obtaining lost wages and other benefits. Appellant alleged that on May 11, 1994 postal inspectors improperly searched her home, car and purse. She contended that she was wrongfully removed from her job in July 1995 and denied the right to return to work in 1998 after her psychologist released her to work. Appellant alleged that the employing establishment used her retirement account to give her a lump-sum check for her wrongful removal. She stated that she won a grievance against the employing establishment after being denied work; however, the employing establishment did not assign her to a different unit. Appellant noted having a right hand injury after returning to work and being interrogated and intimidated by management and required to be treated by a postal physician. She alleged that on June 26, 2002 she requested a revised work schedule; however, Charles J. Caviness, a supervisor, confronted her and humiliated her in front of coworkers. Appellant stated that in August 2002, the employing establishment did not provide her with leave under the Family Medical Leave Act and that Mr. Caviness improperly requested that she submit her mother's death certificate to support her leave request. She alleged that Mr. Caviness did not follow the proper procedure in issuing a notice and final removal in August 2002. Appellant alleged that the employing establishment refused to return her to work in 2003 after the removal was rescinded or accommodate her restrictions due to an accepted right index finger injury under File No. xxxxxx258. She alleged that union policy was violated when she was not awarded any of the 10 positions posted from May 9, 2000 to March 1, 2001. Appellant also filed an Equal Employment Opportunity (EEO) complaint.

After the Office requested additional information appellant submitted an August 10, 1998 grievance settlement that rescinded a July 3, 1995 removal notice and instructed her to report for work on October 25, 1998 with back pay of \$30,000.00. The agreement advised that the settlement did not constitute an admission of violating any statute or regulation. Appellant

---

<sup>1</sup> Appellant has filed other claims for emotional conditions: a June 30, 1982 claim was denied on March 19, 1985, File No. xxxxxx625; a February 2, 1994 claim was denied on June 8, 1995, File No. xxxxxx830.

submitted EEO complaints dated July 12, 2002 and January 28, 2003 which alleged discrimination and retaliation. She submitted a final notice of removal dated August 31, 2002 for unacceptable conduct for filing a false accident claim, failure to follow instructions and submit proper medical documentation and failure to discuss alleged injury with management.

The record includes reports from Dr. Jorge Dubin, a Board-certified psychiatrist, and Dr. J. Craig Pfaffl, a clinical psychologist, who treated her for depression since 1994. Dr. Nader F. Nowparast, a clinical psychologist, also treated appellant for psychological injuries sustained in the course of her employment.

The employing establishment submitted a July 11, 2002 letter from Mr. Caviness, manager of distributions operations, requesting that appellant submit a CA-17 duty status report from her physician documenting her disability beginning July 10, 2002. In an October 21, 2002 memorandum, Pat Tillett, plant manager, noted that a step-two grievance meeting concluded that the 2002 notice of removal was proper as appellant did not provide proper medical documentation to substantiate her absence from work. In a May 6, 2003 statement, Roberta D. Gallardo, supervisor of district operations, advised that appellant was issued a letter of removal on September 7, 2002 because she filed a false accident claim and lacked proper documentation to support the claim. She noted that appellant was instructed by Mr. Caviness to submit a Form CA-17 to support disability but she did not provide adequate medical documentation. Ms. Gallardo stated that employing establishment regulations were followed when issuing the removal notice, there was no malicious intent and appellant's race, national origin, religion, sex, age or alleged physical or mental disability, or prior EEO activities were not factors in her removal. An undated statement from Darlene Powell, a coworker, noted that on June 18, 2002 she observed appellant sweeping mail; however, at no time did appellant indicate that she injured her finger.

In statements dated June 14 to September 1, 2004, appellant reasserted her allegations. She also submitted treatment reports from Dr. Daniel Chan, a Board-certified internist, dated June 3 to August 2, 2004, who treated her for right wrist pain. On May 5 and July 16, 2004 Dr. Nowparast treated appellant for generalized anxiety disorder.

In a September 20, 2004 decision, the Office denied appellant's claim finding that the claimed emotional condition did not occur in the performance of duty.

Appellant requested an oral hearing which was held on July 12, 2005. She submitted a May 15, 1996 15-year service award and an April 11, 2002 EEO complaint. Reports from Dr. Nowparast dated October 4, 2004 and January 24, 2005, noted treating appellant for depression. Dr. Chan also treated appellant for right wrist pain.

The employing establishment submitted a February 24, 1994 statement from Christine Samonte, a coworker, who advised that on February 10, 1994 appellant rudely interrupted her telephone conversation with a customer. Ms. Samonte noted several occasions where appellant harassed her, spoke loudly and was argumentative. In a February 24, 1994 statement, Karen Bailey, consumer affairs manager, noted supervising appellant since June 1993. She noted that appellant had difficulty understanding and following instructions and getting along with others.

Ms. Bailey had a meeting with appellant and the union concerning her poor performance. To improve appellant's performance, she offered specific instruction but appellant was not receptive. Ms. Bailey noted mediating problems between appellant and coworkers who were afraid of her erratic behavior. She listed occasions where appellant became belligerent, argumentative and physically asserted herself with coworkers. Ms. Bailey believed that appellant's behavior escalated and was a threat to the work environment. In a March 2, 1994 letter, she advised that appellant was on administrative leave effective February 25, 1994 and referred for a fitness-for-duty examination. Appellant was found not fit for duty.

In an April 1, 1994 statement, Mike Gray, express mail manager, noted that appellant was on his staff and had frequent disagreements with coworkers because she would not follow instructions. During unit restructuring, appellant became upset because she was not promoted to a supervisory job or assigned to certain technical jobs; however, she was not qualified for these positions. In an April 5, 1994 statement, Ron Landis, customer service support, noted supervising appellant in 1992 and found her to be paranoid that coworkers were conspiring against her although he found no evidence to support this. He noted that appellant's coworkers found her disagreeable and belligerent. A May 13, 1994 investigative memorandum noted that on May 11, 1994 appellant was interviewed at her home about alleged threats of violence and brandishing a handgun to Union Representative Okamoto, who alleged that, at a May 6, 1994 meeting, appellant threatened to kill Ms. Bailey and Arlene Ward, an injury compensation manager, and displayed what appeared to be a butt of a gun she had in her pants. The inspector noted that a search of appellant's person, purse and home disclosed no gun.

In an August 11, 2005 statement, Mr. Caviness noted that appellant disrupted the workplace. He advised that he never singled her out, provoked a verbal altercation or belittled her. Mr. Caviness denied targeting appellant for discipline because she claimed an injury. After the letter of removal was rescinded, the employing establishment attempted to bring appellant back to work and any delays were caused by her. In statements dated August 12 and 15, 2005, Ms. Ward noted that appellant demonstrated disruptive behavior since June 1982. She referenced Ms. Bailey's February 24, 1994 statements.

In a December 12, 2005 decision, an Office hearing representative affirmed the September 20, 2004 decision. Appellant appealed to the Board. On July 18, 2007 the Board remanded the case to consolidate appellant's three emotional condition claims.<sup>2</sup> Appellant submitted reports from Dr. Nowparast who treated her for generalized anxiety disorder.

In a November 14, 2007 decision, the Office denied modification of the December 12, 2005 decision. Appellant requested an oral hearing, reiterated her allegations and submitted a report from Dr. Nowparast.

On April 1, 2008 an Office hearing representative set aside the November 14, 2007 decision, finding that the Office had not complied with Board instructions to combine the pertinent claim files. The hearing representative remanded the case for further consideration.

---

<sup>2</sup> Docket No. 07-61 (issued July 18, 2007).

Appellant submitted statements dated April 7 to June 10, 2008 reiterating her allegations.

In a decision dated June 25, 2008, the Office denied appellant's claim for an emotional condition.

### **LEGAL PRECEDENT**

To establish a claim that she sustained an emotional condition in the performance of duty, an employee must submit the following: (1) medical evidence establishing that she has an emotional or psychiatric disorder; (2) factual evidence identifying employment factors or incidents alleged to have caused or contributed to her condition; and (3) rationalized medical opinion evidence establishing that the identified compensable employment factors are causally related to her emotional condition.<sup>3</sup>

Workers' compensation law does not apply to each and every injury or illness that is somehow related to an employee's employment. In the case of *Lillian Cutler*,<sup>4</sup> the Board explained that there are distinctions to the type of employment situations giving rise to a compensable emotional condition arising under the Federal Employees' Compensation Act.<sup>5</sup> 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 under the Act.<sup>6</sup> When an employee experiences emotional stress in carrying out her employment duties, and the medical evidence establishes that the disability resulted from her emotional reaction to such situation, the disability is generally regarded as due to an injury arising out of an in the course of employment. This is true when the employee's disability results from her emotional reaction to a special assignment or other requirement imposed by the employing establishment or by the nature of her work.<sup>7</sup> 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 under the Act. Where the disability results from an employee's emotional reaction to her regular or specially assigned duties or to a requirement imposed by the employment, the disability comes within the coverage of the Act. 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 her frustration from not being permitted to work in a particular environment or to hold a particular position.<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

---

<sup>3</sup> *Donna Faye Cardwell*, 41 ECAB 730 (1990).

<sup>4</sup> 28 ECAB 125 (1976).

<sup>5</sup> 5 U.S.C. §§ 8101-8193.

<sup>6</sup> See *Anthony A. Zarcone*, 44 ECAB 751, 754-55 (1993).

<sup>7</sup> *Lillian Cutler*, *supra* note 4.

<sup>8</sup> See *Thomas D. McEuen*, 41 ECAB 387 (1990), *reaff'd on recon.*, 42 ECAB 566 (1991); *Lillian Cutler*, *supra* note 4.

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.<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 record 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 she was harassed, discriminated against and subject to reprisals by management and her coworker. She noted several incidents, including being isolated from other employees in her work unit, that her retirement account was used as a payment for her wrongful removal, that she was harassed by her coworkers, that her daughter was accused of possessing jewelry which was missing from the employing establishment, that on February 17, 1994 Ms. Samonte yelled at her, that she was interrogated by management after injuring her right hand and Mr. Caviness humiliated her in front of her coworkers on June 26, 2002 when requesting a schedule change.

To the extent that incidents alleged as constituting harassment by a supervisor and coworkers are established as occurring and arising from appellant's performance of her regular duties, these could constitute employment factors.<sup>11</sup> However, for harassment to give rise to a compensable disability under the Act, there must be evidence that harassment did in fact occur. Mere perceptions of harassment are not compensable under the Act.<sup>12</sup> The Board has also held that being spoken to in a raised or harsh voice does not of itself constitute verbal abuse or harassment.<sup>13</sup>

The evidence fails to support appellant's allegations of harassment or retaliation. Regarding her allegations that she was discriminated against because of her age, ethnicity, subject to reprisals by management and harassed by her coworkers, the record does not substantiate her allegations. On August 11, 2005 Mr. Caviness noted that appellant disrupted the workplace and imposed her will on her coworkers. He advised that she was not singled out, verbally abused or belittled. On May 6, 2003 Ms. Gallardo, a supervisor, noted that appellant was cited several time for failure to follow management instructions. She advised that appellant's race, national origin, religion, sex, age, alleged physical or mental disability and prior EEO activities were not factors in the notice of removal. Regarding appellant's allegation that

---

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

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

<sup>11</sup> *David W. Shirey*, 42 ECAB 783, 795-96 (1991); *Kathleen D. Walker*, 42 ECAB 603, 608 (1991).

<sup>12</sup> See *Joel Parker, Sr.*, 43 ECAB 220, 225 (1991) (finding that a claimant must substantiate allegations of harassment or discrimination with probative and reliable evidence). *Jack Hopkins, Jr.*, 42 ECAB 818, 827 (1991).

<sup>13</sup> *T.G.*, 58 ECAB \_\_\_\_ (Docket No. 06-1411, issued November 28, 2006).

Ms. Samonte yelled at her, in a statement dated February 24, 1994, Ms. Samonte noted that appellant had previously harassed her. On February 10, 1994 she was talking to a customer on the telephone and appellant interrupted her conversation, spoke in a loud manner and became argumentative. On February 24, 1994 Ms. Bailey, manager of consumer affairs, noted that appellant started working for her in June 1993 and had difficulty in understanding and following instructions or getting along with coworkers. She mediated problems between appellant and coworkers. In an April 1, 1994 statement, Mr. Gray confirmed that appellant had frequent disagreements with coworkers and did not follow instructions. There is no evidence that appellant was singled out or treated disparately. Rather the evidence supports that appellant had a documented history of conflicts with her coworkers and supervisors. Although she alleged that her supervisors engaged in actions which she believed constituted harassment, she provided no corroborating evidence, or witness statements to establish her allegations.<sup>14</sup> Therefore, appellant has not established her allegations as compensable factors of employment.

Appellant submitted an EEO settlement and also filed an EEO claim for harassment. The settlement contained no acknowledgement of any wrongdoing. The Board notes that grievances and EEO complaints, by themselves, do not establish that workplace harassment or unfair treatment occurred.<sup>15</sup> These documents are not sufficient to establish a compensable employment factor under the Act with respect to the claimed harassment.

Appellant also alleged that the union did not diligently represent her and failed to file a grievance on her behalf. The Board has generally held that matters pertaining to union activities are not deemed to be employment factors.<sup>16</sup> Union activities are generally personal in nature and not considered to arise in the course of employment.<sup>17</sup> Appellant's allegations regarding the union matters relate to internal union affairs and fall within the general rule that union activities are not considered to be within the course of employment.

Certain of appellant's allegations also relate to administrative or personnel actions. In *Thomas D. McEuen*,<sup>18</sup> the Board held that 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. The Board noted, however, that coverage under the Act would attach if the factual circumstances surrounding the administrative or personnel action established error or abuse by the employing establishment superiors in dealing with the claimant. Absent evidence of such error or abuse, the resulting emotional condition must be considered self-generated and not employment generated. In determining whether the employing

---

<sup>14</sup> See *William P. George*, 43 ECAB 1159, 1167 (1992) (claimed employment incidents not established where appellant did not submit evidence substantiating that such incidents actually occurred).

<sup>15</sup> *James E. Norris*, 52 ECAB 93 (2000).

<sup>16</sup> See *George A. Ross*, 43 ECAB 346 (1991).

<sup>17</sup> *Marie Boylan*, 45 ECAB 338 (1994).

<sup>18</sup> See *Thomas D. McEuen*, *supra* note 8.

establishment erred or acted abusively, the Board has examined whether the employing establishment acted reasonably.<sup>19</sup>

Appellant alleged that she was singled out to perform undesirable work duties including sitting and throwing letters manually in the early 1980s. The Board notes that the assignment of work is an administrative function.<sup>20</sup> The manner in which a supervisor exercises his or her discretion generally falls outside the ambit of the Act. The Board finds that appellant has not submitted sufficient evidence to establish error or abuse regarding her work assignments. The evidence does not establish that the employing establishment acted unreasonably.

Appellant alleged that in 1998 the employing establishment promised to assign her to a different unit and she was overlooked for 10 vacant positions posted from May 9, 2000 to March 1, 2001. The Board has held that denials by an employing establishment of a request for a different job, promotion or transfer are not compensable factors of employment under the Act, as they do not involve her ability to perform her regular or specially assigned work duties, but rather constitute her desire to work in a different position.<sup>21</sup> The employing establishment has either denied appellant's allegations or explained the reasons for its actions in these administrative matters. Appellant has presented no corroborating evidence to support that the employing establishment acted unreasonably. She has not established a compensable factor of employment in this regard.

Appellant alleged that in 1993 Ms. Lawrence's managerial style was overbearing. She alleged that Ms. Bailey failed to greet her upon their first meeting in 1993, and did not properly handle a volatile atmosphere in her unit. Appellant alleged that Ms. Bailey improperly required her to attend a fitness-for-duty examination in 1994 and kept her off work until she obtained medical clearance from the medical adviser. She also alleged that Mr. Caviness failed to follow the proper procedures in issuing a removal notice in 2002. The Board has found that an employee's complaints concerning the manner in which a supervisor performs her duties as a supervisor or the manner in which a supervisor exercises her supervisory discretion fall, as a rule, is outside the scope of coverage provided by the Act. This principle recognizes that a supervisor or manager in general must be allowed to perform her duties; that employees will at times dislike the actions taken, but that mere disagreement or dislike of a supervisory or management action will not be actionable, absent evidence of error or abuse.<sup>22</sup> Appellant presented no corroborating evidence or witness statements to support that the employing establishment erred or acted abusively with regard to these allegations. The employing establishment denied treating appellant unreasonably. Appellant has not established that these matters rise to the level of a compensable employment factor.

---

<sup>19</sup> See *Richard J. Dube*, 42 ECAB 916, 920 (1991).

<sup>20</sup> *Donney T. Drennon-Gala*, 56 ECAB 469 (2005).

<sup>21</sup> *Donald W. Bottles*, 40 ECAB 349, 353 (1988). See also *D.L.*, 58 ECAB \_\_\_\_ (Docket No. 06-2018, issued December 12, 2006) (the assignment of work by a supervisor, the granting or denial of a request for a transfer and the assignment to a different position are administrative functions that are not compensable absent error or abuse).

<sup>22</sup> See *Marguerite J. Toland*, 52 ECAB 294 (2001).

Appellant alleged that on May 11, 1994 she was improperly investigated by the postal inspector who searched her home, car and purse. The record reveals that, on May 11, 1994, the postal inspector interviewed appellant with regard to an alleged violent threat she made against the employing establishment supervisors, Ms. Bailey and Ms. Ward. An investigative memorandum revealed that, during a meeting with a union representative, appellant made threats of violence against her supervisors allegedly brandishing a handgun. The Board has held that investigations, which are an administrative function of the employing establishment, that do not involve an employee's regularly or specially assigned employment duties are not considered to be employment factors.<sup>23</sup> Although appellant alleged that the employing establishment erred and acted abusively in conducting its investigation, she has not provided sufficient evidence to support such a claim. A review of the evidence indicates that appellant has not shown that the employing establishment's actions in connection with its investigation of her were unreasonable. Appellant alleged that her supervisor wrongfully investigated her for threats of violence but she provided no corroborating evidence to support that the investigation was unreasonable.<sup>24</sup> Instead, the employing establishment explained the reasons that it took its actions and denied any disparate treatment of appellant. Appellant has not established a compensable employment factor in this respect.

Appellant's allegations that she was improperly disciplined relate to administrative or personnel matters unrelated to her regular or specially assigned work duties. The Board finds that the employing establishment did not act unreasonably in this administrative matter.<sup>25</sup> Although the handling of disciplinary actions and evaluations are generally related to the employment, they are administrative functions of the employer, and not duties of the employee.<sup>26</sup> Appellant alleged that she was wrongfully removed from her job in July 1995 and that she was denied the right to return to work in 1998 after she was released to work by her psychologist. The record reflects that, upon a report from a union representative, in which appellant threatened violence against two supervisors and was carrying what appeared to be a gun, she was investigated by the postal inspector in 1994. Appellant ultimately underwent a psychological examination and was found unfit for work. With regard to the 2002 notice of removal, Ms. Gallardo noted that appellant was issued a letter of removal for filing a false accident claim without adequate documentation. There is no evidence showing that the employing establishment acted unreasonably in these circumstances. The employing establishment through Mr. Caviness and Ms. Bailey explained its actions and denied any unreasonable action. Although several of the grievances were settled on May 10, 2005, this does not establish error or abuse.<sup>27</sup> The evidence indicates that the employing establishment acted reasonably in response to appellant's conduct. Appellant presented no corroborating evidence to support that the employing establishment erred or acted abusively with regard to these matters.

---

<sup>23</sup> *Jimmy B. Copeland*, 43 ECAB 339, 345 (1991).

<sup>24</sup> *See Larry J. Thomas*, 44 ECAB 291, 300 (1992).

<sup>25</sup> *See Janet I. Jones*, 47 ECAB 345, 347 (1996), *Jimmy Gilbreath*, 44 ECAB 555, 558 (1993); *Apple Gate*, 41 ECAB 581, 588 (1990); *Joseph C. DeDonato*, 39 ECAB 1260, 1266-67 (1988).

<sup>26</sup> *Id.*

<sup>27</sup> *See Linda K. Mitchell*, 54 ECAB 748 (2003) (the mere fact that the employing establishment lessened a disciplinary action did not establish that the employing establishment erred or acted in an abusive manner).

Appellant alleged that in August 2002 the employing establishment denied her request for leave pursuant to the Family Medical Leave Act so that she could care for her sick mother. The Board notes that the handling of leave requests and attendance matters are generally related to the employment, they are administrative functions of the employer and not duties of the employee.<sup>28</sup> The Board finds that the employing establishment acted reasonably in this administrative matter. As noted, Mr. Caviness and Ms. Bailey instructed appellant to provide proper medical documentation supporting her disability; however, she failed to submit any medical documentation to substantiate her leave request. Appellant has presented no corroborating evidence to support that the employing establishment erred or acted abusively in this matter.

Appellant also generally alleged that she was forced to work beyond her tolerance. She noted that the employer failed to accommodate her restrictions on her right index finger injury. The Board notes that assignment of duties beyond an employee's work tolerance limitations can be a compensable factor of employment.<sup>29</sup> Appellant has not, however, provided any evidence establishing that the employing establishment assigned her duties beyond her limitations. The record contains no probative evidence supporting her assertions that the employing establishment erred in providing a job within her restrictions. Therefore, the Board finds that there is insufficient evidence to establish that appellant worked beyond her restrictions.

Consequently, appellant has not established her claim for an emotional condition as she has not attributed her claimed condition to any compensable employment factors.<sup>30</sup>

### **CONCLUSION**

The Board finds that the evidence fails to establish that appellant sustained an emotional condition in the performance of duty.

---

<sup>28</sup> See *Judy Kahn*, 53 ECAB 321 (2002).

<sup>29</sup> See *Kim Nguyen*, 53 ECAB 127 (2001).

<sup>30</sup> As appellant has failed to establish a compensable employment factor, the Board need not address the medical evidence of record; see *Margaret S. Krzycki*, 43 ECAB 496 (1992).

**ORDER**

**IT IS HEREBY ORDERED THAT** the June 25, 2008 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: August 19, 2009  
Washington, DC

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board

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

James A. Haynes, Alternate Judge  
Employees' Compensation Appeals Board