

Appellant made a number of allegations regarding the postmaster, among them: On June 24, 2008 the postmaster belittled her in a meeting with the carrier union steward and the other supervisor. On June 25, 2008 the postmaster called appellant at home to state that she took down her schedule because it was unintelligible. On June 26, 2008 the postmaster called her and detailed her to another office without the required seven-day notice. On June 30, 2008 the day appellant arrived at her new office, the postmaster made the supervisor pull her off the street to go to a physician for an injury she had nearly seven days earlier. She stated that she already had a physician. On July 16, 2008 the postmaster detailed her back to Oak Forest, again without a seven-day notice, to a 4.00 a.m. shift. When appellant arrived at Oak Forest, she found that the postmaster had revoked her access to certain programs needed to do her job. On July 29, 2008 the postmaster made her work her day off. On July 31, 2008 when appellant inquired about her time, the postmaster lied about entering her time into the system, so she did not get paid. On August 1, 2008 the postmaster sent her an e-mail assigning her to a shift starting at 8:15 a.m. with a two-hour lunch. "This was more than I could take. As the carriers arrived, I was crying and I could not stop." Appellant advised that she filed both a grievance and an Equal Employment Opportunity (EEO) complaint.

The postmaster responded to appellant's claim: Changes in her work assignments were planned at the beginning of the fiscal year and were documented. Both supervisors were required to switch units at midyear to enhance their skills. Appellant's short assignment was to provide assistance to Chicago Heights; all postmasters provided assistance when they could. Notifications were given verbally on occasion because she would leave the office without stopping by the postmaster's office. Other time directives required immediate action, which would constitute a schedule change. The nonscheduled day that was cancelled arose because appellant failed to complete the required PS 3999 and PS 1838C for the City Routes in the office, which required all schedules to change to complete the work by the end of August 2008. Her overtime was put in timely, but when she did not see it in the system, a pay adjustment was completed on August 12, 2008. Appellant's time change to 4.00 a.m. was to support a rebidding process. The postmaster explained that she had a craft mentally as it related to overtime and expected to be paid overtime for every minute she worked over an eight-hour shift. "Much of the stress that [appellant] is experiencing is coming from her reaction from not getting her way. She seems to want to continue to do it the way they do it in the Chicago District, which is her constant lament."

In a February 13, 2009 decision, the Office denied appellant's claim for compensation. It found that the evidence failed to establish a compensable factor of employment.

LEGAL PRECEDENT

The Federal Employees' Compensation Act provides compensation for disability or death of an employee resulting from personal injury sustained while in the performance of duty.¹ However, workers' compensation does not cover each and every injury or illness that is somehow related to employment.² An employee's emotional reaction to an administrative or personnel

¹ 5 U.S.C. § 8102(a).

² *Lillian Cutler*, 28 ECAB 125 (1976).

matter is generally not covered. Nonetheless, the Board has held that error or abuse by the employing establishment in an administrative or personnel matter or evidence that the employing establishment acted unreasonably in an administrative or personnel matter, may afford coverage.³ Perceptions alone are not sufficient to establish entitlement to compensation. To discharge her burden of proof, a claimant must establish a factual basis for her claim by supporting her allegations with probative and reliable evidence.⁴

ANALYSIS

Appellant attributed her acute anxiety reaction (stress), depression, chest pain and asthma attack to stressful confrontations with her postmaster. Although the incidents appellant described relate in some way to her federal employment, any emotional reaction she might have had to the administrative or personnel actions of her postmaster is not generally regarded as an injury arising in the performance of duty.

The Board has recognized an exception for administrative error or abuse. Appellant effectively alleges that the postmaster committed administrative error or abuse when, among other things, she belittled appellant in a meeting, detailed her to another office without the required notice, denied her access to certain programs necessary to do her job, did not pay her for working a nonscheduled day and assigned her to another shift.

Appellant's allegations of error or abuse in these administrative matters must be supported by the evidence of record. She submitted no proof to establish that the postmaster belittled her at a meeting or engaged in any other abusive conduct toward her. Appellant submitted no documentation to support her allegations of error in any of the described administrative actions. For example, she alleges that the postmaster may not detail her to another office without seven days' notice. However, appellant submitted no documentation of such rule or proof that it applied to the situation surrounding her detail. She pursued a grievance and an EEO complaint, but she did not submit evidence of a favorable decision or final finding by either body to establish that the postmaster engaged in misconduct in her dealings with appellant. Therefore, appellant's claim is essentially one of unsubstantiated allegations.

Appellant bears the burden of proof to establish a factual basis for her claim. With no proof that her postmaster committed administrative error or abuse, she has not met her burden of proof. The Board will affirm the Office's February 13, 2009 decision denying her claim for benefits.

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish that she sustained an emotional condition in the performance of duty.

³ *Margreate Lublin*, 44 ECAB 945 (1993).

⁴ *Ruthie M. Evans*, 41 ECAB 416 (1990).

ORDER

IT IS HEREBY ORDERED THAT the February 13, 2009 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: June 2, 2010
Washington, DC

David S. Gerson, Judge
Employees' Compensation Appeals Board

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

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