

FACTUAL HISTORY

On July 15, 2013 appellant, then a 46-year-old immigration enforcement agent, filed an occupational disease claim (Form CA-2) alleging that his administrative duties caused major depression and anxiety. He first became aware of his condition and that it was caused or aggravated by his employment on January 11, 2013. Appellant was last exposed to conditions alleged to have caused his disease or illness on April 17, 2013.³ No evidence was received with the claim.

By letter dated August 23, 2013, OWCP notified appellant of the deficiencies in his claim. It afforded him 30 days to submit additional evidence and respond to its inquiries. OWCP requested that appellant complete a questionnaire and provide a narrative statement describing the specific instances and conditions of his employment that formed the basis for his claim. Appellant was also advised that he was required to submit medical evidence which substantiated that he had an emotional condition which was caused by factors of his federal employment.

In an August 27, 2013 report of telephone call, OWCP noted that appellant stated that he had previously sent documentation, but was advised that no documentation had been received in this case record or case file number xxxxxx314, which was a duplicative claim for the same injury. No additional evidence was submitted.⁴

By decision dated January 14, 2014, OWCP found that appellant failed to establish a compensable factor of employment. Appellant failed to identify the incidents or conditions upon which his claim was based, thereby precluding OWCP from performing its adjudicatory function of determining the truth of his allegations and whether the factors that caused his claimed condition were within the coverage of FECA.

LEGAL PRECEDENT

To establish a claim that an emotional condition arose in the performance of duty, a claimant must submit the following: (1) medical evidence establishing that he has an emotional or psychiatric disorder; (2) factual evidence identifying employment factors or incidents alleged to have caused or contributed to the condition; and (3) rationalized medical opinion evidence establishing that the identified compensable employment factors are causally related to the emotional condition.⁵

Workers compensation does not apply to each and every injury or illness that is somehow related to an employee's employment. There are situations where an injury or an illness has some connection with the employment but nevertheless does not come within the concept or

³ The person filing on behalf of appellant indicated that appellant was no longer employed with the employing establishment and was previously hospitalized and was not aware of his ability to file a claim until advised by an attorney.

⁴ The record reflects that OWCP processed appellant's occupational disease claim under file number xxxxxx314. A decision denying the claim was issued on July 10, 2014 which is not the subject of the present appeal.

⁵ *D.L.*, 58 ECAB 217 (2006).

coverage of workers compensation. Where the disability results from an employee's emotional reaction to his or her regular or specially assigned duties or to a requirement imposed by the employment, the disability comes within the coverage of FECA.⁶ 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 (RIF) or his or her frustration from not being permitted to work in a particular environment or to hold a particular position.⁷

A claimant has the burden of establishing by the weight of the reliable, probative, and substantial evidence that the condition for which he or she claims compensation was caused or adversely affected by employment factors.⁸ This burden includes the submission of a detailed description of the employment factors or conditions, which the claimant believes caused or adversely affected a condition for which compensation is claimed and a rationalized medical opinion relating the claimed condition to compensable employment factors.⁹

ANALYSIS

Appellant filed a claim for occupational disease on July 15, 2013 alleging an emotional condition due to his administrative duties. He stopped work as of April 17, 2013 and was last exposed to conditions alleged to have caused his disease or illness on that day. By letter dated August 23, 2013, OWCP reviewed appellant's claim and advised him that he needed to substantiate the factual elements of his claim. It requested a statement describing the job factors or incidents he believed contributed to his condition and a narrative medical report from a physician which provided a medical explanation regarding the cause of his emotional condition.¹⁰ Appellant did not respond. He failed to submit a narrative statement, supporting documentation or any medical evidence regarding his condition. The Board finds that appellant has failed to meet his burden of proof to establish his claim.

To establish a claim for compensation appellant must submit a statement identifying the factors of employment he believed caused his condition, and he must submit rationalized medical evidence which explains how the alleged factors caused a diagnosed medical condition.¹¹

In the absence of a narrative statement from appellant describing the specific instances and conditions of his employment that allegedly form the basis for his claim,¹² the Board finds

⁶ 5 U.S.C. §§ 8101-8193; *Trudy A. Scott*, 52 ECAB 309 (2001); *Lillian Cutler*, 28 ECAB 125 (1976).

⁷ *Gregorio E. Conde*, 52 ECAB 410 (2001).

⁸ See *Pamela R. Rice*, 38 ECAB 838, 841 (1987).

⁹ See *Effie O. Morris*, 44 ECAB 470, 473-74 (1993).

¹⁰ OWCP met its responsibility to advise appellant of the type of factual and medical evidence needed to establish his claim. *Norman M. Perras*, 49 ECAB 191 (1997); Federal (FECA) Procedure Manual, Part 2 -- Claims, *Development of Claims*, Chapter 2.800.3(a) (March 2011).

¹¹ See *Donald W. Wenzel*, 56 ECAB 390 (2005).

¹² See *Afrain Luiggi*, Docket No. 02-50 (issued June 3, 2002); see also *Rita L. Power*, 35 ECAB 403 (1983).

that the record does not substantiate that his disability comes within the coverage of FECA. Appellant failed to prepare a description of specific incidents or conditions of employment on which he bases his claim.¹³ OWCP properly advised appellant that he should submit medical evidence in support of his claim that provided a medical diagnosis and explained how the diagnosed condition was causally related to alleged factors of employment. Appellant did not submit any medical evidence in support of his claim.

As appellant has not submitted the essential information necessary to the proper adjudication of his claim, he has not established his claim for compensation.

CONCLUSION

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

ORDER

IT IS HEREBY ORDERED THAT the January 14, 2014 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: December 9, 2014
Washington, DC

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

Patricia Howard Fitzgerald, Judge
Employees' Compensation Appeals Board

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

¹³ *George Tseko*, 40 ECAB 948 (1989).