

compensable work factor.² The Board determined that a December 2, 2013 report from Dr. Christiane Tellefsen, a Board-certified psychiatrist, was insufficient to resolve the issue of whether appellant sustained an emotional condition as a result of the compensable employment factors. The Board remanded the case for OWCP to obtain a supplemental report from Dr. Tellefsen. The facts and circumstances as set forth in the prior decision are incorporated by reference. The facts relevant to the instant appeal will be set forth.

In her initial report dated December 2, 2013, Dr. Tellefsen discussed appellant's assertion that she sustained osteoarthritis of the knees as a result of her work duties. She also noted that she had a history of gastrointestinal issues resulting in a hospitalization in September 2012 and esophageal surgery in December 2012. Appellant alleged that John Cox, her supervisor, flirted with her and then harassed her after she told him to stop his inappropriate behavior. She had difficulty finishing her route because of her knee condition. Appellant's route increased from 800 mailboxes to 1,000 mailboxes and she received disciplinary action for taking too much time to deliver mail. Dr. Tellefsen diagnosed an adjustment disorder with anxiety, psychological factors affecting a physical condition, and achalasia. She found that appellant attributed many of her physical symptoms to stress beginning in 2011. Dr. Tellefsen indicated that the statement of accepted facts (SOAF) conflicted with appellant's account of her work situation as it found that Mr. Cox did not harass her or treat her unfairly. She attributed appellant's adjustment disorder to "adjusting to the work stress from a harassing boss, or the work stress from her worsening physical condition leading to deteriorating work performance, and thus negative attention from her boss." Dr. Tellefsen opined that if appellant's knee condition was related to employment then "conceivably her work stress would be a complication of the arthritis."

After the Board's December 12, 2014 decision remanding the case, OWCP requested that Dr. Tellefsen clarify whether appellant experienced an emotional condition due to the compensable work factors. It advised that a condition was compensable if work factors contributed in any way to the condition.

In a supplemental report dated February 26, 2015, Dr. Tellefsen again reviewed the SOAF and noted that appellant had work limitations from nonemployment-related arthritis of both knees. She related:

"My understanding of the information in the SOAF is that her knee arthritis is not an accepted condition and that [the employing establishment] does not acknowledge that any harassment occurred. [Appellant], on the other hand, reports that her job delivering mail, with, at some point, a markedly increased workload, led to the worsening of her knee pain. She said that this, in turn, led to emotional distress when she was not able to complete her job as efficiently as she had been able to prior to developing the arthritis. [Appellant] also reported that,

² Docket No. 14-1043 (issued December 12, 2014). On April 6, 2012 appellant, then a 50-year-old letter carrier, filed an occupational disease claim alleging that she sustained depression, stress, and headaches due to factors of her federal employment. She stopped work on March 26, 2012. The Board determined that OWCP properly accepted as compensable work factors that she was unable to complete her route in eight hours beginning in September 2011 and that she continued to work overtime after the employing establishment reduced her route in March 2012 because of her knee condition.

in part, as a result of this diminished efficiency related to the knee pain, she was harassed by her supervisor. She had a separate issue with the supervisor involving retaliation for rebuffed sexual harassment. That was not even mentioned in the SOAF.

“In the summer of 2012 [appellant] developed symptoms of depression, what I ultimately diagnosed as [a]djustment [d]isorder, in relation to all of these events and the worsening pain and disability from her knees.

“As I stated in my original report, without verification from the [employing establishment] that these stressful events were work related, I am unable to formally connect her subsequent [a]djustment [d]isorder with her work. I do think it is clear that a large part of her emotional distress stems from her worsening physical condition and impairment from her osteoarthritis. That arthritis, however, is not an accepted condition. Therefore, whatever psychiatric fallout she had from this would also not be an accepted condition. Therefore, there is no medical evidence that an accepted work factor contributed in any way to her condition.”

Dr. Tellefsen indicated that appellant’s condition “was further complicated by what appears to be a possibly unrelated gastrointestinal disorder for which she ultimately required surgery later in 2012.” She concluded that the adjustment disorder was not related to the compensable employment factors.

By decision dated March 26, 2015, OWCP denied modification of its October 5, 2012 decision. It found that Dr. Tellefsen’s opinion represented the weight of the evidence and demonstrated that appellant did not have a diagnosed condition as a result of the compensable work factors.

LEGAL PRECEDENT

Workers’ compensation law 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 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.³ 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 or her frustration from not being permitted to work in a particular environment, or to hold a particular position.⁴

In cases involving emotional conditions, the Board has held that, when working conditions are alleged as factors in causing a condition or disability, OWCP, as part of its

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

⁴ *Gregorio E. Conde*, 52 ECAB 410 (2001).

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.⁵ If a claimant does implicate a factor of employment, OWCP 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, OWCP must base its decision on an analysis of the medical evidence.⁶

Causal relationship is a medical issue, and the medical evidence generally required to establish causal relationship is rationalized medical opinion evidence.⁷ The opinion of the physician must be based on a complete factual and medical background of the claimant,⁸ must be one of reasonable medical certainty⁹ explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.¹⁰

ANALYSIS

On prior appeal, the Board found that appellant had established as compensable work factors that she was unable to complete her route in eight hours following a September 2011 route change and that, after the employing establishment reduced her route in March 2012 due to her bilateral knee osteoarthritis, she still had to work overtime multiple evenings a week to complete her route. The Board found that the December 2, 2013 report from Dr. Tellefsen was insufficient to resolve the issue of whether appellant sustained an emotional condition. Upon remand, OWCP specifically requested that the physician address whether compensable work factors contributed in any way to her condition. Based on Dr. Tellefsen's February 26, 2015 supplemental report, it denied appellant's emotional condition claim.

The Board finds that Dr. Tellefsen's opinion is sufficiently well rationalized to establish that appellant did not sustain an emotional condition as a result of the accepted compensable work factors. In her initial report dated December 2, 2013, Dr. Tellefsen discussed the history of injury and the factors to which appellant attributed her condition. She diagnosed an adjustment disorder with anxiety largely due to physical symptoms beginning in 2011 and harassment by her supervisor. Dr. Tellefsen found that appellant's adjustment disorder resulted from either harassment or a declining physical condition causing decreased work performance. In a supplemental report dated February 26, 2015, she noted that appellant attributed her stress to an increase in knee pain such that she was unable to adequately perform her work duties as well as harassment by her supervisor, Mr. Cox, due to her worsening work performance. Appellant also

⁵ *Dennis J. Balogh*, 52 ECAB 232 (2001).

⁶ *Id.*

⁷ *John J. Montoya*, 54 ECAB 306 (2003).

⁸ *Tomas Martinez*, 54 ECAB 623 (2003); *Gary J. Watling*, 52 ECAB 278 (2001).

⁹ *Supra* note 7.

¹⁰ *Judy C. Rogers*, 54 ECAB 693 (2003).

related that Mr. Cox sexually harassed her and retaliated against her when she objected to the harassment. Dr. Tellefsen attributed the majority of her emotional symptoms to her increased knee osteoarthritis, which she noted was not accepted as employment related. She also indicated that appellant experienced a gastrointestinal disorder. Dr. Tellefsen determined that her adjustment disorder was unrelated to the compensable work factors. In reaching her conclusions, she thoroughly discussed the statement of accepted facts as well as appellant's description of the work factors to which she attributed her stress-related condition. Dr. Tellefsen explained that her condition resulted from stress as a result of a decline in her physical condition due to nonemployment-related osteoarthritis. Her report is detailed, well rationalized and based on an accurate factual background; consequently, it represents the weight of the evidence.¹¹ Appellant, therefore, has not met her burden of proof to establish an emotional condition as a result of the compensable work factors.

Appellant may submit new evidence or argument with a written request for reconsideration to OWCP within one year of this merit decision, pursuant to 5 U.S.C. § 8128 and 20 C.F.R. §§ 10.605 through 10.607.

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish an emotional condition in the performance of duty causally related to factors of her federal employment.

¹¹ See *G.G.*, Docket No. 15-0985 (issued August 21, 2015); *B.O.*, Docket No. 15-0385 (issued August 19, 2015).

ORDER

IT IS HEREBY ORDERED THAT the March 26, 2015 merit decision of the Office of Workers' Compensation Programs is affirmed.

Issued: November 20, 2015
Washington, DC

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board