

FACTUAL HISTORY

This case has previously been before the Board.² The facts as set forth in the Board's prior decisions are incorporated herein by reference. The relevant facts are set forth below.

On August 9, 2010 appellant, then a 49-year-old senior claims examiner, filed a traumatic injury claim (Form CA-1) alleging that on July 19, 2010 she became agitated due to a work situation and was unable to control her mood swings. She alleged that a physician determined that she suffered an anxiety attack due to job-related stress. Appellant stopped work on July 19, 2010. The employing establishment controverted the claim, noting that appellant had not identified a specific work incident.

In response to OWCP's request for further information, appellant submitted a September 15, 2010 letter setting forth the basis for her claim. She noted that prior to February 2009, she had not experienced any hospitalization or treatment for any emotional condition. Appellant alleged that on February 1, 2009, her supervisor, A.W., assigned her to supervise claims examiner L.G., despite the fact that they did not speak to each other. Shortly after this assignment, L.G. filed a complaint. Appellant had spoken with an EEO counselor and was given instructions as how to attempt to resolve the issues between the two of them. Appellant explained that she wrote L.G. an e-mail pursuant to these instructions, but that shortly thereafter the district director told her that she should not have sent the e-mail due to its tone.

Appellant noted that her mid-term review in April 2009 did not relate any problems or deficiencies, but that on June 15, 2009 appellant was removed from A.W.'s supervision and placed under M.L.'s supervision. She stated that she was told that she was transferred to assist the unit in cleaning up the case load, but that she felt that the reassignment was a result of the EEO complaint by L.G. Appellant noted that in the subsequent three months her evaluation was downgraded from exemplary to effective, but the only factors that changed were the claims examiners she was monitoring and her supervisor. She alleged that from this point forward, she had problems with errors and she felt she was "singled out" in unit meetings. Appellant explained that she was under care of a primary care physician and therapist for depression and anxiety attacks. She believed that both of these conditions were not caused by her employment but that her work situation exacerbated her conditions.

In an October 22, 2010 letter, supervisor M.L. related that she supervised appellant commencing July 19, 2010. She noted that appellant was assigned to her unit as part of a routine reorganization of staff and was warmly welcomed. On July 27, 2009 M.L. assigned appellant to mentor two claims examiners. She noted that at this point she had no knowledge of appellant's work quality, performance, or conduct. M.L. noted that she began to find errors when sampling cases that appellant had reviewed and she would call appellant into her office to discuss her findings. Since appellant stated that she did not need training, M.L. indicated that a senior claims examiner would work with her on her responses to congressional inquiries. She discussed her efforts to make appellant more attentive, but continued to notice errors. M.L. noted continuing and consistent errors in work quality including unfamiliarity with sections of the

² Docket No. 13-1391 (issued August 13, 2014); Docket No. 12-1359 (issued December 12, 2012).

procedure manual, coding errors, an erratic and occasionally demeaning attitude, and chronic oversights in reviewing claims examiners work.

M.L. also explained that she did not know appellant had left work on July 19, 2010 until she discovered a leave authorization signed by supervisor A.W. She also noted that supervisor A.W. approved leave for the next day, and that appellant remained off work. On October 12, 2010 appellant resumed duty without restrictions and was immediately assigned to another unit. M.L. also noted additional potential stressors and factors in appellant's life.

On July 21, 2010 appellant was seen by Dr. Julianni Zaiden, a Board-certified family practitioner, who assessed appellant with hyperlipidemia, elevated glucose, and depressive disorder. Dr. Zaiden related that appellant would be disabled from work for two weeks. In a report dated July 30, 2010, she indicated that appellant had clinical depression and anxiety which began in February 2009. Dr. Zaiden noted that appellant's condition was well controlled with medication until recently, but that in the past month appellant had been experiencing mood changes as well as extreme agitation and lack of concentration which interfered with her ability to work as a claims consultant. She noted that appellant's anxiety and depression were ongoing issues, perhaps even lifelong. Dr. Zaiden opined, however, that once her symptoms are well controlled with medicine and therapy, appellant should be able to function at work once more.

On July 30, 2010 Jane A. Sievers, a licensed clinical social worker, noted that appellant was diagnosed around April 2009 with depressive disorder and was prescribed antidepressants. She noted that appellant was under a significant amount of stress at work and over the past two years had developed a number of symptoms, including sleep disturbance, appetite disturbance, panic or anxiety attacks, anxious and depressed mood, anhedonia, impaired concentration, and crying spells. Ms. Sievers indicated that appellant's condition had certainly been exacerbated by her working conditions, if not caused by them. She further indicated that appellant was unable to work at that time due to the intensity of her symptoms. On September 3, 2010 Ms. Sievers noted that appellant would not be able to return to work on September 7, 2010. She noted that appellant's condition improved minimally, but that when confronted with any employment-related contact, appellant still experienced a depressed mood, exacerbated anxiety symptoms, impaired concentration, and a very labile demeanor. Ms. Sievers indicated that appellant was quite emotionally fragile and lacking the resilience necessary to function in the work environment.

By decision dated December 2, 2010, OWCP denied appellant's claim as it determined that she had not established any compensable factors of her federal employment.

By letter dated November 29, 2010 and received by OWCP on December 6, 2011, appellant requested reconsideration of the December 2, 2010 decision. At that time, she filed an occupational disease claim (Form CA-2) alleging that she suffered from stress, depression, and anxiety attacks causally related to her federal employment. Appellant noted that she was assigned to complete a unit project and was circumvented by a coworker. She alleged that it was known by her supervisor that this could be a problem, and that shortly after she was assigned to coach and mentor this coworker, she filed an EEO complaint.

On December 6, 2011 appellant submitted an undated statement. Initially, she alleged that she erred in filing a Form CA-1 as a Form CA-2 was more appropriate. Appellant described her stress while working with supervisor A.W. and disputed supervisor M.L.'s comments. She contested M.L.'s assertions that she was unfamiliar with her work when she started as her supervisor, and that M.L. had provided support to improve her work quality. Appellant noted mistakes were made when she did not take time to pay attention to details as she was rushing out of fear of not meeting her standards and that M.L. charged her with unfair errors. She disputed that she had any serious outside stressors. Appellant also indicated that although she thought being transferred out of M.L.'s unit would be a new beginning, it became even more stressful as she was constantly living in fear of retaliation with regard to L.G.'s EEO action and fear of receiving unwarranted errors. She argued that she had established a pattern of abuse and unfair supervisory actions which caused undue stress that ultimately led to her anxiety attack. In a separate statement, also received on December 6, 2011, appellant provided further allegations with regard to her interactions with L.G. including that L.G. refused to sign comments, would not listen to her comments, poked her a few times on her shoulder, and stormed past her while saying, "Have fun talking about me all day."

In support of her claim, appellant submitted copies of internal e-mails. E-mails between supervisor A.W. and appellant on February 21, 2009, related a discussion regarding tension between appellant and L.G. concerning work assignments and personal interaction. A.W. suggested that appellant make efforts to focus more on work and less on personality issues with L.G., and to remember that as a senior claims examiner she needed to set an example for the others and not take things personally. In a March 5, 2009 e-mail to L.G., appellant stated that she would like to take this opportunity to try and stop this foolishness, that she did not know what she had done that caused L.G. to have this attitude, but that appellant was tired of being disrespected by L.G.'s childish and hostile behavior towards her. In e-mails between L.G. and appellant dated from March 9, 2009 through March 12, 2009, there were discussions with regard to work changes and missing information, and differences of opinion as to instructions and conversations. In a March 26, 2009 e-mail to H.S., L.G. indicated that there was a serious communication problem and that it was starting to affect her health. She noted that a meeting was scheduled with J.B. on March 30, 2009. In a March 26, 2009 e-mail to L.G., supervisor A.W. indicated that she spoke with appellant and that appellant indicated that when she attempted to speak with L.G., she had headphones on and would not acknowledge her. A.W. reiterated that there was a serious communication issue and that OWCP claimants were suffering. In a March 27, 2009 e-mail, H.S. asked L.G. if a mediator had been contacted yet, and stated that if mediation did not resolve the issue, she could go forward with her complaint.

Appellant also submitted numerous documents in support of her claim including copies of recommended decisions that she wrote with comments written on them, copies of handwritten error reports, comments on cases she received from her supervisor, quality service review forms, and a copy of the organizational chart for the office. She also enclosed a copy of a settlement agreement dated October 5, 2010 between the employing establishment and her with regard to appellant being reassigned and her supervisors. In addition, appellant submitted statements and letters on her behalf including a statement by S.P., a coworker and friend, discussing appellant's work and mood. She also submitted a copy of a favorable letter from a claimant and another favorable letter from a claims examiner.

In an October 7, 2010 psychological evaluation, Dr. Michelle Vollan, a clinical psychopharmacologist, diagnosed generalized anxiety disorder with some agoraphobic features and adjustment disorder with depression. She noted that appellant's current experiences may have placed her in a position where she was frustrated and depressed, but this was a temporary condition. Dr. Vollan indicated that appellant's anxiety appeared to be of a more long-standing duration and needed to be addressed in therapy sessions. She also suggested medication.

By decision dated May 4, 2012, OWCP denied appellant's reconsideration request as it determined that it was untimely filed and failed to demonstrate clear evidence of error. On June 8, 2012 appellant filed an appeal with the Board. By decision dated December 12, 2012, the Board set aside OWCP's May 4, 2012 decision and remanded the case because it found that appellant's reconsideration request was timely filed, and that OWCP should apply the appropriate standard of review for a timely reconsideration request.³

By decision dated March 8, 2013, OWCP denied appellant's reconsideration request. It determined that the evidence did not support that OWCP erroneously applied or interpreted a point of law and did not contain a relevant legal argument not previously considered. OWCP found that the evidence submitted was cumulative, repetitive, or irrelevant, and insufficient to warrant merit review.

On May 22, 2013 appellant again filed an appeal with the Board. In a decision dated August 13, 2014, the Board set aside OWCP's March 8, 2013 decision and remanded the case as the Board determined that OWCP improperly refused to reopen appellant's case for further review of the merits under 5 U.S.C. § 8128(a). The Board noted that appellant submitted specific allegations with regard to interactions with a subordinate claims examiner, and this evidence was relevant to appellant's claim for an emotional condition.⁴

By decision dated December 18, 2014, OWCP denied modification of the May 4, 2012 decision. It reviewed the evidence that appellant submitted and determined that she had not established a compensable factor of employment as defined by FECA.

On December 17, 2015 appellant requested reconsideration. She submitted more internal e-mail correspondence, written by herself and others, dated from February 21, 2009 through May 10, 2010. These e-mails discussed various issues that arose during her work including issues regarding assignment of cases, coding issues, instances of disagreement with colleagues over how a case should be handled, and errors in claims she reviewed. Appellant resubmitted other documents concerning her work. She also submitted correspondence with regard to her evaluation and a copy of her evaluation.

In a September 15, 2010 report, Dr. Zaiden confirmed that appellant was diagnosed with anxiety and depression which began approximately 18 months ago. She noted that appellant was treated and was stable until recently. Dr. Zaiden noted that appellant's symptoms became worse approximately two months ago. She opined that, although appellant's condition was not caused

³ Docket No. 12-1359 (issued December 12, 2012).

⁴ Docket No. 13-1391 (issued August 13, 2014).

by her job, it was definitely aggravated by stress at work. Dr. Zaiden noted that appellant's long term prognosis was favorable and that it was just a matter of finding the right medications and therapy. She noted that at this time appellant's symptoms of depressed mood, crying, anxiety, and lack of focus are still present, and that she was unable to perform any duty at work. Dr. Zaiden also submitted an October 1, 2010 note wherein Ms. Sievers indicated that appellant should be ready to return to work on October 11, 2010. Ms. Sievers noted that although appellant had improved considerably and is able to conduct herself appropriately most of the time, her increased levels of liability around work issues continue to exacerbate her emotional condition to an untenable degree. She indicated that another week of short-term disability should increase her emotional resilience to a more tolerable extent. In an October 4, 2011 note, countersigned by Dr. Zaiden, Ms. Sievers summarized her treatment of appellant. She noted that appellant presented herself for evaluation on July 23, 2010 after having an anxiety attack at work on July 19, 2010, and that appellant had been in psychotherapy regularly since that time. Ms. Sievers noted that she believed that appellant has not regained her positive outlook, and that this was because of her stressful working conditions.

By decision dated October 24, 2016, OWCP denied modification of its December 18, 2014 decision. It determined that appellant had not established that the additional allegations had occurred. Furthermore, OWCP determined that appellant had not provided evidence to support abuse or error on the part of the employing establishment regarding the accepted events that were not compensable factors of federal employment.

LEGAL PRECEDENT

An employee seeking benefits under FECA has the burden of proof to establish the essential elements of his or her claim including the fact that the individual is an employee of the United States within the meaning of FECA, that the claim was timely filed within the applicable time limitation period of FECA, that an injury was caused in the performance of duty as alleged, and that any disability and/or specific condition for which compensation is claimed are causally related to the employment injury.⁵ These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁶

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

An occupational disease or illness means a condition produced by the work environment over a period longer than a single workday or shift.⁷ Workers' compensation law does not apply

⁵ *Joe D. Cameron*, 42 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

⁶ *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁷ 20 C.F.R. § 10.5(q).

to each and every injury or illness that is somehow related to an employee's employment.⁸ 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.⁹ 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.¹⁰

As a rule, allegations alone by a claimant are insufficient to establish a factual basis for an emotional condition claim.¹¹ In claims for a mental disability attributed to work-related stress, the claimant must submit factual evidence in support of her allegations of stress from harassment or a difficult working relationship. The claimant must specifically delineate those factors or incidents to which the emotional condition is attributed and submit supporting factual evidence verifying that the implicated work situations or incidents occurred as alleged. Vague or general allegations of perceived harassment, abuse, or difficulty arising in the employment are insufficient to give rise to compensability under FECA. Based on the evidence submitted by the claimant and the employing establishment, OWCP is then required to make factual findings which are reviewable by the Board. The primary reason for requiring factual evidence from the claimant in support of his or her allegations of stress in the workplace is to establish a basis in fact for the contentions made, as opposed to mere perceptions of the claimant, which in turn may be fully examined and evaluated by the Board.¹²

Administrative and personnel matters, although generally related to the employee's employment, are administrative functions of the employer rather than the regular or specially assigned work duties of the employee and are not covered under FECA.¹³ However, the Board has held that where the evidence establishes error or abuse on the part of the employing establishment in what would otherwise be an administrative matter, coverage will be afforded.¹⁴ In determining whether the employing establishment has erred or acted abusively, the Board will examine the factual evidence of record to determine whether the employing establishment acted reasonably.¹⁵

⁸ *L.D.*, 58 ECAB 344 (2007).

⁹ *A.K.*, 58 ECAB 119 (2006).

¹⁰ *Trudy A. Scott*, 52 ECAB 309 (2001); *Lillian Cutler*, 28 ECAB 125 (1976).

¹¹ See *Arthur F. Hougens*, 42 ECAB 455 (1991); *Ruthie M. Evans*, 41 ECAB 416 (1990) (in each case the Board looked beyond the claimant's allegations of unfair treatment to determine if the evidence corroborated such allegations).

¹² *D.S.*, Docket No. 15-0585 (issued July 11, 2016); *Paul Trotman-Hall*, 45 ECAB 229 (1993) (Groom, Alternate Member, concurring).

¹³ See *Matilda R. Wyatt*, 52 ECAB 421 (2001); *Thomas D. McEuen*, 41 ECAB 387 (1990); *reaff'd on recon.*, 42 ECAB 556 (1991).

¹⁴ See *William H. Fortner*, 49 ECAB 324 (1998).

¹⁵ *Ruth S. Johnson*, 46 ECAB 237 (1994).

For harassment or discrimination to give rise to a compensable disability, there must be evidence which establishes that the facts alleged or implicated by the employee did, in fact, occur.¹⁶ Mere perceptions of harassment or discrimination are not compensable under FECA.¹⁷ A claimant must substantiate allegations of harassment or discrimination with probative and reliable evidence.¹⁸ Unsubstantiated allegations of harassment or discrimination are not determinative of whether such harassment or discrimination occurred.¹⁹ Perceptions and feelings alone are not compensable. To establish entitlement for benefits, a claimant must establish a basis in fact for the claim by supporting his or her allegations with probative and reliable evidence.²⁰

ANALYSIS

Appellant does not attribute her claimed emotional condition to her regular or specially assigned duties as a senior claims examiner under *Cutler*.²¹ Rather, she alleged that she sustained an emotional condition as a result of a number of alleged employment events. OWCP denied appellant's claim because it determined that she had not established any compensable factors under FECA. The Board must initially review whether the alleged events are compensable employment factors under the terms of FECA.

The reaction to assigned work duties is a compensable work factor.²² The Board has held that emotional reactions to situations in which an employee is trying to meet his or her position requirements are compensable.²³ Appellant has alleged that her relationship with L.G., an employee whom she was supervising, and actions of her supervisors caused her emotional condition.

In claims for an emotional condition attributable to a difficult relationship, appellant must submit factual evidence in support of her allegations of stress from a difficult working relationship.²⁴ Appellant alleged a difficult relationship between herself and L.G., a claims examiner she was supervising. The evidence establishes that appellant was assigned to supervise L.G. and that L.G. and appellant exhibited serious issues with regard to communication and mutual respect. Appellant has related that she and L.G. were not speaking to each other at the time that she became L.G.'s supervisor. The evidence establishes a personality conflict between

¹⁶ *K.W.*, 59 ECAB 271 (2007).

¹⁷ *M.D.*, 59 ECAB 211 (2007); *Robert G. Burns*, 57 ECAB 657 (2006).

¹⁸ *J.F.*, 59 ECAB 331 (2008).

¹⁹ *G.S.*, Docket No. 09-764 (issued December 18, 2009); *Ronald K. Jablanski*, 56 ECAB 616 (2005).

²⁰ *L.M.*, Docket No. 13-267 (issued November 15, 2013).

²¹ See *Lillian Cutler*, *supra* note 10.

²² *Supra* note 10.

²³ *A.N.*, Docket No. 15-1220 (issued September 27, 2016); *Trudy A. Scott*, *supra* note 10.

²⁴ *F.C.* Docket No. 16-0091 (issued August 4, 2016); *Paul Trotman-Hall*, 45 ECAB 229 (1993).

appellant and L.G. However a personality conflict is not in and of itself a compensable factor of employment.²⁵

In multiple e-mails written in February and March 2009, there is evidence of hostility between L.G. and appellant. However, appellant has submitted no witness statements nor other corroborating evidence supporting her specific statements regarding L.G.'s actions.²⁶ Without such corroborating evidence, appellant failed to establish that any specific statements actually were made by L.G. or that any specific improper events occurred.²⁷

Appellant also made numerous allegations related to administrative and personnel matters. In *Thomas D. McEuen*,²⁸ the Board held that an employee's emotional reaction to administrative actions or personnel matters taken by the employing establishment is not covered under FECA as such matters pertain to procedures and requirements of the employing establishment and do not bear a direct relation to the work required of the employee. The Board noted, however, that coverage under FECA would attach if the factual circumstances surrounding the administrative or personnel actions 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 establishment erred or acted abusively, the Board has examined whether the employing establishment acted reasonably.²⁹

Appellant alleged that she was assigned to supervise L.G. despite the fact that they did not speak to each other. She also contended that she was assigned to supervisor M.L. as a result of her issues with L.G. Appellant also raised concerns with how work was assigned and coded. The Board has held that the assignment of work is an administrative function, and the manner in which a supervisor exercises his or her discretion falls outside the coverage of FECA.³⁰ Absent evidence of error or abuse, appellant's mere disagreement or dislike of managerial action is not compensable.³¹ The decision of management to assign appellant to supervise L.G. and its decision to reassign her to M.L. was within its discretion, as was the assignment of cases. Error or abuse in discharging management duties has not been established, and these allegations are therefore not compensable.³²

²⁵ See *Carol J. Stewart*, Docket No. 95-307 (issued February 26, 1997).

²⁶ See *N.H.*, Docket No. 14-0360 (issued October 6, 2016).

²⁷ See *V.L.*, Docket No. 08-1597 (issued January 2, 2009).

²⁸ See *Thomas D. McEuen*, *supra* note 13.

²⁹ See *Richard J. Dube*, 42 ECAB 916, 920 (1991).

³⁰ See *D.C.*, Docket No. 16-1870 (issued May 19, 2017).

³¹ See *Barbara J. Latham*, 53 ECAB 316 (2002); see also *Peter D. Butt, Jr.*, 56 RECAP 117 (2004) allegations such as improperly assigned work duties, which related to administrative or personnel matters, unrelated to the employee's regular or specifically assigned work duties do not fall within the coverage of FECA); see also *T.H.*, Docket No. 16-1164 (issued February 24, 2017).

³² *J.M.*, Docket No. 16-0312 (issued June 22, 2016).

Similarly, appellant has not shown a compensable factor of employment with regard to her treatment by her supervisors with regard to criticism of her work, or her performance evaluations. The Board has held that a manager or supervisor must be allowed to perform his or her duties and that an employee will at times disagree with actions taken.³³ There is no evidence that management acted abusively with regard to the review of appellant's work or with regard to her evaluation. The Board notes that although there was a settlement agreement submitted with regard to appellant's informal complaint, this settlement agreement specifically noted that there was no concession of wrongdoing. Absent evidence of error or abuse, appellant's mere disagreement or dislike of a managerial action is not compensable.³⁴

Additionally, appellant has not substantiated her allegation of harassment that she was "singled out" at meetings. To the extent that she claims harassment and discrimination, the Board has held that harassment and discrimination by supervisors and coworkers, if established as occurring and arising from the performance of work duties can constitute a compensable work factor.³⁵ A claimant, however, must substantiate allegations of harassment and discrimination with probative and reliable evidence.³⁶ Mere perceptions of harassment or discrimination are not compensable under FECA,³⁷ and unsubstantiated allegations of harassment or discrimination are not determinative of whether such harassment or discrimination occurred.³⁸ Appellant has submitted no evidence in support of her allegation of being singled out at meetings. Absent evidence of error or abuse, any resulting emotional condition must be considered self-generated and not employment generated.³⁹

The Board finds that appellant failed to establish a compensable employment factor. As she has not established any compensable factor of employment, the Board need not address the medical evidence of record.⁴⁰

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(a) and 20 C.F.R. §§ 10.605 through 10.607.

³³ See *E.M.*, Docket No. 16-1695 (issued June 27, 2017).

³⁴ See *Barbara J. Latham*, *supra* note 31; see also *Janet I. Jones*, 47 ECAB 345, 347 (1996), *Jimmy Gilbrath*, 44 ECAB 555, 558 (1993); *Apple Gate*, 41 ECAB 581, 588 (1990); *Joseph C. DeDonato*, 39 ECAB 1260, 1266-67 (1988). The Board found that allegations such as improperly assigned work duties, which related to administrative or personnel matters, unrelated to the employee's regular or specially assigned work duties and do not fall within the coverage of FECA.

³⁵ *T.G.*, 58 ECAB 189 (2006); *Dorothea M. Belnavis*, 57 ECAB 311 (2006).

³⁶ *C.W.* 58 ECAB 137 (2006).

³⁷ *T.M.*, Docket No. 15-1774 (issued January 20, 2016).

³⁸ *S.S.*, Docket No. 15-1454 (issued December 15, 2015).

³⁹ *D.F.*, Docket No. 15-1057 (issued December 7, 2015).

⁴⁰ See *F.M.*, Docket No. 16-1504 (issued June 26, 2017).

CONCLUSION

The Board finds that appellant has not established that she sustained an emotional condition in the performance of duty as alleged.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated October 24, 2016 is affirmed.

Issued: December 19, 2017
Washington, DC

Christopher J. Godfrey, Chief Judge
Employees' Compensation Appeals Board

Alec J. Koromilas, Alternate Judge
Employees' Compensation Appeals Board

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