



## ISSUE

The issue is whether appellant has established that he sustained a heart attack due to stress in the performance of duty, as alleged.

## FACTUAL HISTORY

On January 9, 2018 appellant, then a 55-year-old claims specialist, filed an occupational disease claim (Form CA-2) alleging that he suffered a heart attack on August 22, 2016 due to work-related stress. He noted that he first became aware of the illness and its relationship to his federal employment that day. Appellant related that his heart attack was confirmed by doctors, that he had heart catheterization surgery, and that his heart doctor opined that it was due to job stress. An employing establishment district manager noted that appellant stopped work on August 22, 2016, returned to work on September 26, 2017, and continued to work through December 20, 2017 when he stopped again and did not return.

By development letter dated January 25, 2018, OWCP informed appellant that the evidence of record was insufficient to support his claim. It advised him of the type of factual and medical evidence needed and provided a questionnaire for his completion. OWCP afforded him 30 days to submit the necessary evidence.

Appellant subsequently submitted a number of medical reports.

In an emergency room report dated August 22, 2016, Dr. Tyler Creighton Vaughn, Board-certified in emergency medicine, noted that appellant complained of sudden onset of left-sided chest pain that occurred while he worked as a claims adjuster. He diagnosed unspecified chest pain and transferred appellant for hospital admission. While hospitalized, appellant had an abnormal electrocardiogram. He underwent cardiac catheterization and stent placement and was discharged on August 24, 2016. Appellant was seen in a follow up by nurse practitioners and physician assistants. He was again seen in an emergency room on November 7, 2017. At that time, Dr. Don J. Walbridge, Board-certified in emergency medicine, reported seeing appellant that day for complaints of chest pain that began at about 12:30 p.m. while appellant was at work. He diagnosed chest pain, unspecified type, suspicious for coronary ischemia and advised that appellant would be admitted for further testing. A cardiac stress test was negative. Appellant was discharged on November 8, 2016 with a diagnosis of chest pain, unspecified type.

Appellant continued to be treated by nurse practitioners and physician assistants who provided reports dated August 26, 2016 through January 13, 2018.

On August 24, 2017 Dr. John Schonder, Board-certified in cardiovascular disease, saw appellant for a follow up of a myocardial infarction with percutaneous intervention. He diagnosed an August 2016 myocardial infarction and extreme work stress. In a report dated January 15, 2018, Dr. Schonder noted seeing appellant for a follow up of chest pain.

By decision dated March 15, 2018, OWCP denied appellant's claim, finding that the evidence of record was insufficient to establish the claim. It noted that he had not responded to its January 25, 2018 letter requesting specific factual information regarding "the employment-related

conditions ... which [he] believed contributed to [his] illness.” OWCP concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

### **LEGAL PRECEDENT**

To establish an emotional condition in the performance of duty, appellant must submit the following: (1) factual evidence identifying employment factors or incidents alleged to have caused or contributed to the condition; (2) medical evidence establishing that he or she has an emotional condition or psychiatric disorder; and (3) rationalized medical opinion evidence establishing that the emotional condition is causally related to the identified compensable employment factors.<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 as to the type of employment situations giving rise to a compensable emotional condition arising under FECA. There are situations where an injury or illness has some connection with the employment, but nevertheless does not come within coverage under FECA.<sup>5</sup> When disability results from an emotional reaction to regular or specially assigned work duties or a requirement imposed by the employment, the disability is deemed compensable.<sup>6</sup>

Allegations alone by a claimant are insufficient to establish a factual basis for an emotional condition claim.<sup>7</sup> The claim must be supported by probative and reliable evidence.<sup>8</sup> Personal perceptions alone are insufficient to establish an employment-related emotional condition, and disability is not covered where it results from such factors as an employee’s fear of a reduction-in-force, or frustration from not being permitted to work in a particular environment, or to hold a particular position.<sup>9</sup>

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.<sup>10</sup> Where the evidence demonstrates that the employing establishment either erred or acted abusively in discharging its

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<sup>3</sup> See *R.B.*, Docket No. 19-0343 (issued February 14, 2020); *B.W.*, Docket No. 19-0718 (issued October 18, 2019).

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

<sup>5</sup> *M.A.*, Docket No. 19-1017 (issued December 4, 2019); *Robert W. Johns*, 51 ECAB 137 (1999).

<sup>6</sup> *R.B.*, *supra* note 3; *Pamela D. Casey*, 57 ECAB 160 (2005); *Lillian Cutler*, *supra* note 4.

<sup>7</sup> See *L.S.*, Docket No. 18-1471 (issued February 26, 2020).

<sup>8</sup> *Id.*

<sup>9</sup> *M.A.*, *supra* note 5.

<sup>10</sup> *D.T.*, Docket No. 19-1270 (issued February 4, 2020).

administrative or personnel responsibilities, such action will be considered a compensable employment factor.<sup>11</sup>

For harassment or discrimination to give rise to a compensable disability, there must be evidence which establishes that the acts alleged or implicated by the employee did, in fact, occur.<sup>12</sup> Mere perceptions of harassment or discrimination are not compensable under FECA.<sup>13</sup> A claimant must substantiate allegations of harassment or discrimination with probative and reliable evidence. Unsubstantiated allegations of harassment or discrimination are not determinative of whether such harassment or discrimination occurred.<sup>14</sup> Additionally, verbal altercations and difficult relationships with supervisors, when sufficiently detailed by the claimant and supported by the record, may constitute factors of employment. This does not imply, however, that every statement uttered in the workplace will give rise to coverage under FECA.<sup>15</sup> The claim must be supported by probative evidence.<sup>16</sup> If a compensable factor of employment is substantiated, OWCP must base its decision on an analysis of the medical evidence which has been submitted.<sup>17</sup>

### ANALYSIS

The Board finds that appellant has not established that he sustained a heart attack due to stress in the performance of duty, as alleged.

Appellant filed an occupational disease claim alleging that his heart attack was due to work-related stress. By development letter dated January 25, 2018, OWCP informed appellant that the evidence of record was insufficient to establish his claim and advised him of evidence needed. This was to include a detailed statement of employment factors that he believed contributed to his condition. While appellant submitted medical evidence he did not submit the requested statement detailing the employment factors that he believed caused his claimed stress-related heart attack. A statement describing the particular employment factors that caused or contributed to the claimed condition is crucial to appellant's claim.<sup>18</sup> Appellant only alleged in general terms on the claim form that he had experienced stress at work and that this stress had caused or contributed to his heart attack on August 22, 2016. He did not describe any specific work factors or events related to his claimed stress at work.

Because appellant has not provided a factual statement describing in detail the work factors that he alleged caused or contributed to his heart attack at work, the Board finds that he has not

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<sup>11</sup> *M.A.*, *supra* note 5.

<sup>12</sup> *R.B.*, *supra* note 3.

<sup>13</sup> *Id.*

<sup>14</sup> *T.Y.*, Docket No. 19-0654 (issued November 5, 2019); *Ronald K. Jablanski*, 56 ECAB 616 (2005).

<sup>15</sup> *W.F.*, Docket No. 18-1526 (issued November 26, 2019).

<sup>16</sup> *L.S.*, *supra* note 7.

<sup>17</sup> *Id.*

<sup>18</sup> *L.B.*, Docket No. 17-2023 (issued August 21, 2018).

met his burden of proof to establish a claim for compensation.<sup>19</sup> As appellant has not established the factual component of his claim, the Board need not address the medical evidence of record with respect to causal relationship.<sup>20</sup>

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.

**CONCLUSION**

The Board finds that appellant has not established that he sustained a heart attack due to stress in the performance of duty, as alleged.

**ORDER**

**IT IS HEREBY ORDERED THAT** the March 15, 2018 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: June 5, 2020  
Washington, DC

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Alternate Judge  
Employees' Compensation Appeals Board

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

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<sup>19</sup> See *R.B.*, *supra* note 3.

<sup>20</sup> See *S.S.*, Docket No. 18-0242 (issued June 11, 2018).