United States Department of Labor
Employees' Compensation Appeals Board

V.H., Appellant	)	
and	)	**Docket No. 22-0882**
	)	**Issued: June 9, 2023**
DEPARTMENT OF THE NAVY, NAVAL HOSPITAL, Camp LeJeune, NC, Employer	)	

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge
JAMES D. McGINLEY, Alternate Judge

JURISDICTION

On May 24, 2022 appellant filed a timely appeal from an April 7, 2022 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act[1] (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

ISSUE

The issue is whether appellant has met her burden of proof to establish an emotional/stress-related condition in the performance of duty, as alleged.

FACTUAL HISTORY

On October 7, 2016 appellant, then a 60-year-old former medical support assistant, filed an occupational disease claim (Form CA-2) alleging that she sustained recurrent severe major depressive disorder and generalized anxiety disorder with panic features due to a pattern of harassment while in the performance of duty. She noted that she first became aware of her

[1] 5 U.S.C. § 8101 *et seq*.

conditions on July 24, 2011 and first realized its relation to her federal employment on October 7, 2015. Appellant recounted that prior to her federal employment, she had been treated for depression in 2011 after the death of her son. She explained that when the alleged workplace harassment intensified, she required increased medication for depression and hypertension. On the reverse of a separate Form CA-2, J.B., appellant's former supervisor, noted that appellant stopped work on October 21, 2015, and did not return. She was separated from the employing establishment on February 16, 2016.

In a supporting statement, appellant attributed the claimed stress-related condition to a pattern of harassment by coworker D.L. She explained that she had been hired as a Schedule A employee with a disability.[2] Appellant alleged that D.L. denied her training and access to computer keys, withheld and disrupted her work assignments, spoke to her in a demeaning manner, threatened to use his influence to "make things happen" or fire her during her probationary period, and denied her transfer to another department. She recounted that in September 2015 when she called D.L. to advise that she could not report for work due to severe back pain and difficulty walking, D.L. directed her to report to the employing establishment to complete her timecard. D.L. then came to her home "in a government vehicle and took [her] to the office" to complete her timecard. In October 2015, a coworker told appellant that D.L. and coworker, J.G., "were laughing in open office" about the timecard incident as D.L. or a supervisor could have completed the timecard on appellant's behalf. At a meeting with supervisor J.B. during the first week of October 2015, appellant advised J.B. that D.L. had picked her up at her home, laughed about it with other employees, and had harassed her for some time. She also expressed concern that J.G. had shown a new employee their hire package and informed appellant that he knew a lot of information about his coworkers. Appellant asserted that the harassment caused uncontrolled hypertension and depression and exacerbated irritable bowel syndrome. She requested and was granted 12 weeks of Family and Medical Leave Act (FMLA) leave, commencing September 25, 2015, due to her health problems.[3] However, appellant alleged that J.B. delayed her FMLA application and committed errors in its completion.[4] She also attributed the claimed stress-related condition to an error in her last date in pay status, as she stopped work in October 2015, but was

[2] On October 13, 2016 OWCP received a June 3, 2013 letter by a state vocational rehabilitation counselor, indicating that appellant was "an individual with a documented disability" who could be hired under Schedule A Hiring Authority under 5 C.F.R. § 213.3102(u)."

[3] In an October 28, 2015 letter, the employing establishment approved appellant's application for 12 weeks (480 hours) of FMLA leave commencing September 25, 2015. In a November 18, 2015 letter, it approved her application for 12 weeks of FMLA leave for the period November 6, 2015 through January 4, 2016. Appellant had used 248.75 hours of the allotted 480 hours and had 231.25 hours remaining. The employing establishment advised her that after the entitlement was exhausted, she must return to full-time work or provide acceptable medical certification of her inability to work.

[4] In a November 18, 2015 supervisory statement, J.B. provided support for appellant's federal retirement application. He indicated that appellant had been absent from work under her physician's recommendation for continuous FMLA leave from October 2015 through January 4, 2016. J.B. noted that he had supervised appellant for three months.

paid through December 2015. Appellant also attributed her condition to a November 15, 2015 letter of reprimand[5] for not providing a medical excuse within the allotted time.

In an October 6, 2016 supervisory statement, J.B. noted that appellant had been hired in June 2013 as an individual with a documented disability. He confirmed that on September 4, 2015 D.L. had driven an employing establishment van to pick up appellant from her home and bring her to the employing establishment to verify her timecard. J.B. and supervisor L.C. "both agreed that an employee should absolutely not come in if sick/using sick leave." Regarding appellant's allegation that in October 2015 D.L. and J.G. had laughed about D.L. bringing her to the employing establishment, J.B. acknowledged that he met with D.L. on October 6, 2015, and issued him a letter of verbal counseling. He contended that appellant's health information had not been shared with individuals other than himself and L.C. as such information was maintained in a locked cabinet in a separate building. J.B. also acknowledged that appellant had been "compensated via prior pay correction" for an underpayment of salary in December 2015. Regarding appellant's allegation of error in the handling of FMLA leave, he asserted that appellant's physician had recommended intermittent leave, which required her to report anticipated absences within two hours of the start of her work shift. J.B. had notified appellant of this requirement in a November 3, 2015 e-mail.[6] Appellant complied until November 9, 2015, when she failed to notify him in a timely manner of her absence that day. J.B. therefore issued the November 10, 2015 letter of reprimand.

In an October 6, 2015 letter of counseling, J.B. noted that he had counseled D.L. regarding the employing establishment's "Staff Disruptive Behavior Policy" as it applied to his interactions with appellant over a period of several workdays. D.L. acknowledged that when appellant requested that she not be included in a mobile training unit (MTU) activity, he replied, "What, you can't climb the stairs" in front of other coworkers. He acknowledged "how someone would feel that they were being looked down upon or made fun of in front of others," and that he was not allowed to "discipline, belittle, or intimidate others within the work section."

Appellant submitted a series of e-mails between herself, J.B., L.C., and accounting officer B.F., dated from October 13, 2015 through June 24, 2016, regarding appellant's request that J.B. complete a supervisory statement for her retirement application[7] and issue a pay correction for

[5] On October 13, 2016 OWCP received a November 10, 2015 letter of reprimand issued by J.B. to appellant for failing to notify him on November 9, 2015 that she would not be coming to work within two hours of the beginning of her shift.

[6] On November 3, 2015 J.B. sent an e-mail advising appellant that as a review of her FMLA documents demonstrated that she had been granted intermittent leave, her daily accountability expectations would be revised as of November 4, 2015 to require appellant to notify J.B. or a designated supervisor no later than two hours after her scheduled start time concerning her leave status. Failure to report to work or notify management of her leave status would result in disciplinary action. In a November 10, 2015 e-mail sent at 3:00 p.m., appellant advised J.B. that she could not report to work that day and invoked FMLA leave. J.B. responded in a November 10, 2015 e-mail that she was assessed absence without leave (AWOL) for November 9 and 10, 2015 from 6:30 a.m. to 1:45 p.m. as she had not timely reported her absence.

[7] Appellant submitted an April 21, 2016 letter from the Social Security Administration (SSA) listing the amount of appellant's monthly benefit payments, and a June 3, 2016 letter from the Office of Personnel Management (OPM) noting that appellant had been found disabled from her position as a medical support assistant due to recurrent, severe major depressive disorder and generalized anxiety disorder with panic features.

December 24, 2015. In a June 24, 2016 e-mail, B.F. noted that appellant had been erroneously charged for five hours of sick leave on December 24, 2015, requiring a prior pay period correction.

In a development letter dated November 29, 2016, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence necessary and provided a questionnaire for her completion. In a separate development letter of even date, OWCP requested that the employing establishment provide additional information regarding her alleged injury, including comments from a knowledgeable supervisor regarding the accuracy of her allegations and witness statements from employees with additional information. It afforded both parties 30 days to submit the requested evidence.

In response, J.B. provided a December 15, 2016 statement recounting that appellant advised him of the alleged harassment in early October 2015. J.B. conducted an investigation and "counseled two employees individually who were allegedly harassing" appellant. Both employees assured J.B. that "their perceived behavior would stop going forward." J.B. referred appellant to an Equal Employment Opportunity (EEO) specialist to process her request for reasonable accommodations. However, appellant stopped coming to work on October 21, 2015, before the reasonable accommodations process had been completed.

On December 15, 2016 OWCP received J.B.'s October 7, 2015 notes of a counseling session with appellant's coworker, J.G., including review of the employing establishment's Staff Disruptive Behavior Policy. He addressed that J.G.'s interactions with appellant resulted in her perception of "being bullied" as she had been informed "he would partake in making fun of her medical issues (that he had no solid knowledge of) behind her back." J.B. discussed "the inappropriateness of making fun of others" and iterated that J.G. was not "allowed to discipline, belittle, or intimidate others within the work section." J.G. assured J.B. that "the incident would not happen again" and that he would remain professional.

In a December 24, 2016 statement, appellant attributed her condition to a July 1, 2013 incident in which a coworker stated that her application had been rejected, a July 3, 2013 staff meeting where D.L. stated that appellant was not educated, processing large numbers of service members on her own while her coworkers remained at their desks, being denied breaks by D.L., D.L. asking coworkers "to take bets" as to whether appellant could complete a task, being ridiculed for taking frequent bathroom breaks necessitated by a medical condition, and administrative errors on her timesheets in 2014 and December 2015. She also alleged that J.B. did not provide adequate feedback regarding her allegations.

Dr. Andrei Androssov, a Board-certified family practitioner, noted in a September 25, 2015 report that appellant was unable to participate in the MTU due to a medical condition, and an October 12, 2015 report by Dr. Androssov recommended immediate treatment for depression and chronic pain. OWCP also received a November 3, 2015 report by Dr. Joe Chorley, a licensed clinical psychologist, recounting appellant's allegations of workplace harassment and being belittled in front of coworkers.

By decision dated April 11, 2017, OWCP denied appellant's claim, finding that she had not established a compensable factor of employment. It accepted as factual, but not compensable, that there were administrative errors on her timesheets in 2014 and December 2015, a denial of

transfer, and a delay in her FMLA application. OWCP found that these were administrative matters not considered within the performance of duty and that no error or abuse had been demonstrated. It further found that appellant had not established as factual that D.L. had belittled her, asked coworkers to take bets, or commented on her bathroom breaks, and that coworkers laughed about how she had been made to report to the employing establishment to certify her timecard. OWCP concluded that the requirements had, therefore, not been met to establish an injury as defined by FECA.

On April 2, 2018 appellant requested reconsideration. She submitted a series of e-mails and a March 27, 2018 summary, as follows: July 11, 12 and 15, 2013 e-mails to and from human resources noting appellant's allegation of an unauthorized disclosure of her Schedule A status; a November 7 2014 e-mail to supervisor T.M. alleging that on November 6, 2013, D.L. denied her access to training materials in a shared computer drive; an August 7, 2014 e-mail to supervisor T.F. requesting that a monthly staff meeting address unprofessional conduct and alleging that coworkers would not share necessary work instructions with her; an October 6, 2014 e-mail to T.F. alleging that she had been denied training provided to all other employees on October 2 and 3, 2014 and instructed only on how to shred documents; a December 9, 2014 e-mail to D.L. withdrawing her request to assume a coworker's payroll duties due to potential stress, the coworker's December 9, 2014 response that appellant should attempt the payroll tasks, and appellant's December 9, 2014 response that she had successfully completed tasks without giving up; a November 20, 2015 e-mail to supervisors R.B. and J.B. protesting a November 10, 2015 letter of reprimand for failing to timely notify her supervisor of an anticipated work absence.

In a December 15, 2015 certification of health care provider for FMLA leave (Form WH-380-E), Dr. Ibikunle Ojebuoboh, a Board-certified internist, diagnosed recurrent, severe major depressive disorder with crying spells, anxiety, difficulty concentrating, hypersensitivity, insomnia, and fatigue.

In a May 2, 2018 statement, J.B. explained that he could not comment on appellant's allegations prior to October 1, 2015 as he had not supervised her before that time.

By decision dated June 28, 2018, OWCP modified the April 11, 2017 decision to find that appellant had established a medical diagnosis in connection with her claim, but denied the claim as she had not established a compensable factor of employment.

On June 20, 2019 appellant requested reconsideration. She submitted a copy of an employing establishment anti-harassment policy e-mailed to her division by a supervisor on November 5, 2014.

By decision dated September 18, 2019, OWCP denied modification of the June 28, 2018 decision.

On August 14, 2020, appellant requested reconsideration. She alleged that D.L. humiliated her at a July 3, 2013 meeting for not having earned a college degree, and intimidated her by noting his high-level position in a fraternal organization and his connections to high-ranking military personnel. Appellant submitted an annotated copy of her official position description contending that D.L. prevented her from performing essential job functions.

In a statement dated September 28, 2020, appellant alleged that D.L. gave hiring preference to a veteran in December 2014 or February 2015 and gave preferential treatment to veterans in the work unit.

By decision dated November 10, 2020, OWCP denied modification of the September 18, 2019 decision.

On October 12, 2021 appellant requested reconsideration. She explained that there were no witness statements until September or October 2015 when the unit suite had been moved. Appellant submitted office telephone rosters and a diagram of the suite. She also submitted a December 30 2015 report by Erin R. Lesko, a licensed psychological associate (LPA).

On November 3, 2021 appellant submitted an undated statement regarding her request for reconsideration of its November 10, 2020 decision. She newly alleged that in September or October 2015, D.L. stated that she should not be afforded reasonable accommodations. Additionally, appellant contended that she had been denied access to monthly office-wide training from July 1, 2013 through November 2014. She also submitted a social media photograph allegedly of D.L. wearing fraternal regalia.

By decision dated November 5, 2021, OWCP denied appellant's October 12, 2021 request for reconsideration of the merits of her claim, pursuant to 5 U.S.C. § 8128(a).

By decision dated April 7, 2022, OWCP denied modification of the November 10, 2020 decision. It found that the evidence received on November 3, 2021 had not established a compensable factor of employment.

LEGAL PRECEDENT

An employee seeking benefits under FECA[8] 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, that an injury was sustained in the performance of duty, as alleged, and that any disability or medical condition for which compensation is claimed is causally related to the employment injury.[9] These are the essential elements of every compensation claim regardless of whether the claim is predicated on a traumatic injury or an occupational disease.[10]

To establish an emotional condition in the performance of duty, a claimant must submit: (1) factual evidence identifying an employment factor or incident alleged to have caused or contributed to his or her claimed emotional condition; (2) medical evidence establishing that he or she has a diagnosed emotional or psychiatric disorder; and (3) rationalized medical opinion

[8] *Supra* note 1.

[9] *S.B.*, Docket No. 17-1779 (issued February 7, 2018); *J.P.*, 59 ECAB 178 (2007); *Joe D. Cameron*, 41 ECAB 153 (1989).

[10] *J.M.*, Docket No. 17-0284 (issued February 7, 2018); *R.C.*, 59 ECAB 427 (2008); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

evidence establishing that the accepted compensable employment factors are causally related to the diagnosed emotional condition.[11]

Workers' compensation law does not apply to each and every injury or illness that is somehow related to a claimant's employment. There are situations where an injury or illness has some connection with the employment, but nevertheless does not come within the purview of workers' compensation. 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.[12] However, disability is not compensable when it results from factors such 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.[13]

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 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.[14] If a claimant does implicate a factor of employment, OWCP should then determine whether the evidence of record substantiates that factor.[15]

Allegations alone by a claimant are insufficient to establish a factual basis for an emotional condition claim.[16] Where the claimant alleges compensable factors of employment, he or she must substantiate such allegations with probative and reliable evidence.[17] Personal perceptions alone are insufficient to establish an employment-related emotional condition.[18] 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.[19] Where the evidence demonstrates that the employing

[11] *See A.M.*, Docket No. 21-0420 (issued August 26, 2021); *S.K.*, Docket No. 18-1648 (issued March 14, 2019); *Donna Faye Cardwell*, 41 ECAB 730 (1990).

[12] *See A.M.*, *id.*; *A.C.*, Docket No. 18-0507 (issued November 26, 2018); *Pamela D. Casey*, 57 ECAB 260, 263 (2005); *Lillian Cutler*, 28 ECAB 125, 129 (1976).

[13] *Lillian Cutler*, *id.*

[14] *C.G.*, Docket No. 20-0058 (issued September 30, 2021); *see R.B.*, Docket No. 19-0434 (issued November 22, 2019); *O.G.*, Docket No. 18-0359 (issued August 7, 2019).

[15] *Id.*

[16] *A.R.*, Docket No. 18-0930 (issued June 5, 2020); *L.S.*, Docket No. 18-1471 (issued February 26, 2020); *A.C.*, *supra* note 12.

[17] *L.S.*, *id.*; *G.R.*, Docket No. 18-0893 (issued November 21, 2018).

[18] *M.A.*, Docket No. 19-1017 (issued December 4, 2019); *see also A.C.*, *supra* note 12.

[19] *See A.R.*, *supra* note 16; *D.T.*, Docket No. 19-1270 (issued February 4, 2020).

establishment either erred or acted abusively in discharging its administrative or personnel responsibilities, such action will be considered a compensable employment factor.[20]

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.[21] Mere perceptions of harassment or discrimination are not compensable under FECA.[22] 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.[23] 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.[24] The claim must be supported by probative evidence.[25] If a compensable factor of employment is substantiated, OWCP must base its decision on an analysis of the medical evidence, which has been submitted.[26]

ANALYSIS

The Board finds that this case is not in posture for decision.

Appellant has not attributed her condition to the performance of her regularly or specially assigned duties under *Cutler*.[27] Instead, she alleged error and abuse in administrative matters and harassment by coworkers D.L. and J.G.

Appellant alleged error and abuse in a series of administrative matters. She attributed her stress-related condition, in part, to D.L. bringing her to the employing establishment on September 4, 2015 to certify her timecard in person although she had been absent due to illness, pay errors in 2014 and December 2015, a November 10, 2015 letter of reprimand, administrative errors in her FMLA and retirement applications, being denied breaks, denial or interference with her request for a transfer, hiring and selection practices, work assignments including processing veterans on her own, denial of training, unauthorized disclosures of confidential information, and delay or denial of reasonable accommodations. Supervisor J.B. provided an October 6, 2016 statement confirming that on September 4, 2015 when appellant had been out sick, D.L. drove to her home in an employing establishment van and brought appellant to the employing establishment to verify her timecard. He acknowledged that he and supervisor L.C. agreed that an employee

[20] *M.A., supra* note 18; *Robert W. Johns*, 51 ECAB 137 (1999).

[21] *See R.B.*, Docket No. 19-0343 (issued February 14, 2020).

[22] *Id*.

[23] *T.Y.*, Docket No. 19-0654 (issued November 5, 2019); *Ronald K. Jablanski*, 56 ECAB 616 (2005).

[24] *W.F.*, Docket No. 17-0640 (issued December 7, 2018); *David Apgar*, 57 ECAB 137 (2005).

[25] *See L.S., supra* note 16.

[26] *Id*.

[27] *Supra* note 13.

"should absolutely not come in if sick/using sick leave." Additionally, appellant submitted a June 24, 2016 e-mail from B.F. confirming that she had been erroneously charged for five hours of sick leave on December 24, 2015 and that a prior pay period correction was required. J.B. confirmed that appellant had been "compensated by prior pay correction" for the December 2015 error. Regarding the letter of reprimand, J.B. contended that appellant was required to notify him of FMLA-related absences on a daily basis as she had been approved for intermittent FMLA and not continuous FMLA.

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 employer and do not bear a direct relation to the work required of the employee. The Board has further held that disputes regarding payroll matters,[29] the handling of leave use and attendance matters,[30] issuance of letters of reprimand,[31] and retirement forms,[32] are administrative functions of the employing establishment and, absent error or abuse, a claimant's disagreement or dislike of such a managerial action is not compensable.[33] In determining whether the employing establishment erred or acted abusively, the Board has to examine whether the employing establishment acted reasonably.[34] JB. confirmed that D.L. compelled appellant to appear at the employing establishment on September 4, 2015 although she "absolutely should not" have come in while on sick leave, and the June 24, 2016 employing establishment e-mail confirms a December 24, 2015 pay error. The Board therefore finds that appellant has established administrative error by the employing establishment in compelling her to verify her timecard in person on September 4, 2015 and the error in her pay on December 24, 2015. Appellant has thus established compensable factors of employment with regard to the administrative incidents.[35]

Regarding the November 10, 2015 letter of reprimand, J.B. explained in his October 6, 2016 statement that appellant was required to report absences within two hours of the start of her shift as she had been approved for intermittent FMLA leave rather than a continuous period of leave. He advised appellant of this requirement in a November 3, 2015 e-mail. As appellant did not notify him in a timely manner of her absence on November 9, 2015, J.B. therefore issued the November 10, 2015 letter of reprimand. The Board finds that under the circumstances presented,

[28] *Thomas D. McEuen*, 41 ECAB 387 (1990), *reaff'd on recon*., 42 ECAB 556 (1991).

[29] *G.B.*, Docket No. 08-1534 (issued December 15, 2008).

[30] *M.C.*, Docket No. 20-1051 (issued May 6, 2022); *F.W.*, Docket No. 19-0107 (issued June 10, 2020); *R.B.*, Docket No. 19-0343 (issued February 14, 2020); *C.T.*, Docket No. 08-2160 (issued May 7, 2009).

[31] *M.C.*, *id*.; *D.W.*, Docket No. 17-1438 (issued August 14, 2018); *K.G.*, Docket No. 10-1426 (issued April 13, 2011); *Robert Breeden*, 57 ECAB 622 (2006).

[32] *C.G.*, Docket No. 14-1141 (issued February 27, 2015).

[33] *L.S.*, *supra* note 16.

[34] *K.W.*, Docket No. 20-0832 (issued June 21, 2022); *see B.S.*, Docket No. 19-0378 (issued July 10, 2019); *M.R.*, Docket No. 18-0304 (issued November 13, 2018); *David W. Shirey*, 42 ECAB 783, 795-96 (1991); *Kathleen D. Walker*, 42 ECAB 603, 608 (1991).

[35] *L.S.*, *supra* note 16.

that J.B. acted reasonably in issuing the letter of reprimand and that no error or abuse was demonstrated.[36]

Appellant also attributed her emotional condition to D.L. denying her monthly training from July 1, 2013 through October 3, 2014, and denial of specific training on November 6, 2013. Training is a managerial action, and absent evidence establishing error or abuse, a claimant's disagreement or dislike of such a managerial action is not a compensable factor of employment.[37] Appellant has not submitted factual evidence to substantiate that D.L. denied her training as alleged. As such, the Board finds that she has not established a compensable employment factor with regard to this administrative matter.[38]

The Board further finds that appellant has not submitted sufficient corroborative evidence to establish as factual that the employing establishment erred in calculating her salary in 2014 or in processing of her FMLA and retirement applications, disclosed her confidential information without authorization, or denied requests for reasonable accommodations.[39] As such, the Board finds that she has not established compensable employment factors in this regard.

Appellant also attributed the claimed emotional condition to a pattern of harassment by coworkers, specifically by D.L. and J.G. She alleged that D.L. and J.G. laughed openly about D.L. bringing her in on September 14, 2015 to sign her timecard, and that D.L. and J.G. ridiculed her disability in front of others when she asked not to participate in the MTU. Appellant also alleged that D.L. humiliated her at a June 3, 2013 meeting by stating that she did not have a college degree and that one of her job applications had been rejected, threatened to fire her during her probationary period, and stated that he could "make things happen" due to his personal connections. J.B. issued a letter of counseling to J.G. on October 7, 2015, which discussed "the inappropriateness of making fun of others" and that J.G. was not to "belittle or intimidate" others. J.G. assured J.B. that the incident would not happen again. J.B. also issued D.L. a letter of counseling on October 6, 2015. D.L. acknowledged that when appellant requested not to be including in the MTU, he replied in front of coworkers that appellant could not climb the stairs. As both D.L. and J.G. admitted to J.B. that they had openly discussed and ridiculed appellant's disability, the evidence factually supports appellant's allegations of harassment. The Board therefore finds that appellant has established a compensable factor of employment in this regard.[40] The Board further finds, however, that she did not submit sufficient corroborative evidence to establish the remainder of the alleged incidents of harassment.[41]

In denying appellant's claim, OWCP did not review the medical evidence submitted on the issue of causal relationship regarding the accepted compensable factors of administrative error and

[36] *K.W.*, *supra* note 34.

[37] *Id.*, *R.B.*, Docket No. 19-0343 (issued February 14, 2020); *Carolyn S. Philpott*, 51 ECAB 175 (1999).

[38] *M.C.*, *supra* note 30.

[39] *Id*.

[40] *C.B.*, Docket No. 20-1259 (issued July 15, 2022).

[41] *K.W.*, *supra* note 34.

harassment. The Board will, therefore, set aside OWCP's April 7, 2022 decision and remand the case for a review of the medical opinion evidence to determine whether she has established that her emotional/stress-related condition is causally related to an accepted work factor.[42] After this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision regarding appellant's emotional/stress-related condition claim.

CONCLUSION

The Board finds that this case is not in posture for decision.

ORDER

IT IS HEREBY ORDERED THAT the April 7, 2022 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further proceedings consistent with this decision of the Board.

Issued: June 9, 2023
Washington, DC

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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

James D. McGinley, Alternate Judge
Employees' Compensation Appeals Board

[42] *Lillian Cutler*, *supra* note 12; *see also M.J.*, Docket No. 20-0953 (issued December 8, 2021); *Z.S.* Docket No. 16-1783 (issued August 16, 2018).