

**United States Department of Labor
Employees' Compensation Appeals Board**

T.L., Appellant

and

**CENTRAL INTELLIGENCE AGENCY,
Employer**

Docket No. 25-0499

Issued: August 25, 2025

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

Case Submitted on the Record

DECISION AND ORDER

Before:

PATRICIA H. FITZGERALD, Deputy Chief Judge
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On April 23, 2025, appellant filed a timely appeal from an October 30, 2024 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act¹ (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 20, 2021, appellant, then a 53-year-old Equal Employment Opportunity (EEO) and disability program consultant, filed an occupational disease claim (Form CA-2) alleging that she developed severe anxiety and aggravated preexisting post-traumatic stress disorder (PTSD)

¹ 5 U.S.C. § 8101 *et seq.*

due to factors of her federal employment, including an October 24, 2018 assault involving deadly weapons. She noted that she first became aware of her conditions on October 24, 2018, and realized their relationship to her federal employment on March 18, 2020. Appellant stopped work on October 24, 2018.

A.H., an employing establishment representative, confirmed that appellant was an employee detailed to the Office of Equity and Inclusion. On October 24, 2018, she began to behave erratically, throwing stacks of papers and laying on her supervisor's desk, during a performance counseling session with her first-level supervisor. The supervisor then utilized the panic button, and another staff member called security. Appellant left her workstation and security guards found her calmly speaking to Employee Assistance Program (EAP) personnel. The security guards escorted her back to her duty station where she and her supervisor mutually agreed to immediately terminate her detail. Appellant was then allowed to collect her belongings and was escorted out of the building. A.H. denied that the security guards used any level of force, that the security guards drew their weapons, or that appellant was noncompliant with security.

In a March 7, 2019 e-mail, appellant asserted that security guards directed their weapons at her on October 24, 2018 while she was visiting a personnel safety office for guidance. She alleged that, as a result, she experienced a panic attack. In a March 12, 2019 e-mail, appellant further asserted that on October 24, 2018 R.H. stood between her and the security guards as they pointed their weapons at her, and R.H. shouted, "No. Stop."

Appellant filed an EEO claim against the employing establishment. She asserted that she informed her supervisors of her diagnosed PTSD and requested reasonable accommodations. The employing establishment denied the request, accused appellant of misconduct, reported her to security, and immediately terminated her detail. Appellant alleged that she was printing documentation regarding another employee's reasonable accommodation request in connection with the EEO complaint and accommodations request to provide comparative evidence. She asserted that M.R. had thought it necessary to utilize the "panic" button summoning security because he believed that she had behaved erratically and unpredictably for the past month.

M.R., an Office of Equality and Inclusion representative, provided a supplemental declaration to a March 25, 2019 statement. He listed L.E. as appellant's supervisor. M.R. recounted that on October 10, 2017 appellant began her detail at that office. Shortly after her arrival, appellant alleged harassment and intimidation by L.L., the chief of compliance. Appellant was reassigned, but continued to have outbursts, where she would raise her voice and reference a 2015 sexual assault. M.R. also related that, for several months, appellant asserted that she did not feel safe coming into the detail worksite because of that 2015 assault. He described her behavior around the office as erratic and unpredictable from July through August 2018. On August 10, 2018 appellant had a medical emergency in the office, which coincided with her routine security background reinvestigation.

M.R. related that, on October 24, 2018, Q.H. noticed a document that contained personally identifiable information (PII) in the printer near appellant's desk. Q.H. questioned appellant about the document as it was in support of a reasonable accommodation request and it was Q.H.'s responsibility to safeguard that information. Appellant became defensive and Q.H. then sensed that the situation was escalating and returned to her desk. M.R. asserted that, as appellant was

assigned to the disability program, she had no purpose or reason for printing medical or sensitive information involving employees seeking reasonable accommodations. Shortly thereafter, appellant entered Q.H.'s office with the documents and raised her voice, arguing that she had requested the information at issue. Q.H. reminded appellant of the standard practice regarding confidentiality and medical evidence. She ended the conversation and appellant left her office. Q.H. entered M.R.'s office and related the above events. Appellant then entered M.R.'s office and was visibly upset. She became agitated, angry, slammed paperwork on the table, stood, began to scream, and paced the hall. Appellant then returned to her cubicle and began tearing paper and speaking incoherently. Q.H. requested assistance from R.H., while M.R. requested assistance from the EAP and the security operations center. Appellant asserted that she required the printed information for her ongoing EEO complaint. As M.R. explained that all reasonable accommodations must be protected, appellant began to scream and yell frantically. He contacted the employing establishment and ended appellant's detail, ordering her to gather her belongings and leave the premises.

Q.H. completed a declaration and confirmed that appellant reported her diagnosis of PTSD and request for reasonable accommodations including a transfer to a different location. She determined that as appellant was just on detail, she could not have been provided such an assignment. Q.H. described the events of October 24, 2018, asserting that appellant entered her office with the documents and pushed them in her direction stating with a raised voice and harsh tone that she had requested the information. She ended the conversation and then visited M.R.'s office. Q.H. recounted the encounter with appellant, who shortly thereafter entered M.R.'s office and was visibly upset. Appellant became agitated/angry, slammed her paperwork on the table, stood up, and began screaming and yelling. She then left the office and returned to her workstation where she tore paper and began speaking incoherently.

In an April 4, 2019 statement, R.H., an anti-harassment program manager, described the events she witnessed on October 24, 2018. She saw Q.H. and appellant walk past her office, and both appeared to be annoyed. Appellant then "stormed" past her in an agitated state toward her desk. When she reached her desk, appellant began yelling and it sounded as if she were throwing objects. R.H. reported that M.R. instructed K.O. to hit the duress button on her desk, but it was not working. She then approached appellant and counseled her to calm down. Appellant continued to yell, and R.H. walked with her to find the EAP office. R.H. noted that she was aware that appellant experienced panic attacks, as she had previously witnessed one. She was present when the security guards found appellant. R.H. related that the security guards were wearing weapons, but did not draw them in her presence.

In an August 27, 2019 report, Dr. Fred Taweel, a Board-certified internist, related that appellant was diagnosed with PTSD in 2015. Appellant experienced extreme panic attacks triggered by constant exposure to employing establishment security guards while traveling to and from work and had requested reasonable accommodation. Dr. Taweel related that on October 14, 2018 security guards induced extreme terror by pointing guns at appellant during a panic attack. He further related that, while in the midst of a panic attack, the security guards harassed appellant and ordered her not to disturb coworkers with the noise of crying uncontrollably. Dr. Taweel recommended that she not return to the employing establishment.

On September 10, 2019, Dr. Taweel completed an attending physician report, diagnosing PTSD. He related that appellant's previously diagnosed PTSD was aggravated by continued safety concerns within the employing establishment including exposure to security guards and the recent trauma of being requested to leave at gunpoint. Dr. Taweel opined that the employing establishment was a hostile work environment that exacerbated her panic attacks and fears of being harmed.

On September 19, 2019, appellant asserted that on October 24, 2018 she experienced an aggravated assault with a deadly weapon by four security guards. She was dismissed from her detail assignment within 30 minutes and ordered off the worksite immediately.

In a development letter dated April 4, 2022, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of additional factual and medical information needed and provided a questionnaire for her completion. OWCP afforded appellant 30 days to submit the necessary evidence.

Appellant subsequently submitted additional evidence. In an October 24, 2018 EEO counseling intake statement, she alleged that she was subjected to a toxic and hostile work environment, that she was treated as a threat, and that the employing establishment improperly dismissed her reasonable accommodation request in violation of its policies. In an EEO statement, appellant explained that Q.H. was her second-level supervisor, L.P. was her third-level supervisor, and M.R., was her fourth-level supervisor. In May and August 2018, she requested a reassignment to a different location as a reasonable accommodation. Appellant alleged discrimination based on her race and sex due to the denial of her reasonable accommodation request. She related that her PTSD disability was never acknowledged and that her reports of feeling unsafe and requesting assistance were disregarded. Appellant experienced a severe panic attack at work and was rushed to the hospital. On October 24, 2018, appellant, M.R., Q.H., and L.P. participated in a meeting after appellant had left PII on a shared office printer. She printed the information as the employee named had received a transfer as a reasonable accommodation. Appellant felt that Q.H. should have provided her with the name of the program used by that employee, so that she too could utilize it. During the meeting, the supervisors criticized appellant for leaving the information on the printer and informed her that the printed reasonable accommodation request was none of her business. Appellant then became overwhelmed with anxiety due to the accusations and attempted to explain her actions. She left M.R.'s office crying and speaking to herself on the way to her desk. Appellant destroyed the PII at her desk. R.H. noticed that she was crying and upset and offered to walk with her to EAP. After appellant and R.H. entered the EAP office, there was a knock at the door and four-armed security guards pointed their weapons at her. R.H. explained that security did not appear unless called. Appellant listed R.H., E.H., and T.K., an EAP employee as witnesses. She also provided additional EEO pleadings.

On January 19, 2021, appellant completed a request for disability retirement. She alleged that, on October 24, 2018, she was assaulted by four security guards armed with deadly weapons. Appellant asserted that she was ordered to leave the work premises.

On May 2, 2022, appellant responded to OWCP's development questionnaire. She alleged that M.R.'s decision to utilize the panic button resulted in the assault by security guards during which they pointed their weapons at her. Appellant contended that the alleged assault resulted in

an aggravation of her underlying PTSD with symptoms of traumatic triggers, intrusive thoughts, sleep problems, joint pains, and headaches. She alleged that she experienced two panic attacks at work on September 6, 2017 and August 10, 2018 which resulted in hospitalization. Appellant also attributed her condition to the failure of the employing establishment to grant her requests for reasonable accommodation in the form of relocation. She noted that her EEO claims had not been resolved.

By decision dated June 27, 2022, OWCP denied appellant's emotional condition claim, finding that she had not established a compensable employment factor. Consequently, it found that she had not met the requirements to establish an injury as defined by FECA.

On June 20, 2023, appellant requested reconsideration and submitted additional medical evidence.

On June 27, 2023, appellant, through then counsel, again requested reconsideration. She provided a partial copy of Q.H.'s declaration. Q.H. denied that appellant's reasonable accommodation request was treated less favorably than others.

In a March 25, 2019 statement, M.R., asserted that the employing establishment could not grant appellant's May 18, 2018 request for the reasonable accommodation of a transfer 300 miles from the Washington, DC Metropolitan Area. M.R. reported that, in August 2018, appellant informed him that she did not feel safe at work due to a personal incident that she experienced with a coworker. He found that her statements were "ambiguous and cryptic." M.R. denied that appellant informed him that she did not feel safe or that she wanted to move due to a medical condition. On October 16, 2018, appellant informed him that her request for a transfer as a reasonable accommodation was because her assailant continued to be assigned to the same area and she wished to work 300 miles outside that area. M.R. related that on October 18, 2018 he notified the office of security for action and disposition which he believed was appropriate. On October 24, 2018, he ended appellant's detail assignment. M.R. asserted that there was no policy or regulation that required him to retain an employee from another agency more than one year.

In describing the events of October 24, 2018, M.R. related that desks at the employing establishment were equipped with panic buttons that were intended to be used when there was an incident which required security support. He explained that due to appellant's erratic and unpredictable behavior he asked his assistant to push the panic button on her desk, which was nonoperational. M.R. then called the security operations center and requested security in his office. He asserted that none of the security guards who reported to his office had weapons and by the time of their arrival, appellant had left his office "screaming, yelling, and throwing papers down in the hallway." As appellant had left M.R.'s office suite, the summoned security guards called for additional security guards. M.R. denied that he was aware of any incidents involving security personnel drawing their weapons in appellant's presence. He further denied that appellant was treated differently because of her race or sex and asserted that he treated all persons with dignity and respect.

By decision dated August 17, 2023, OWCP denied modification.

On August 2, 2004, appellant requested reconsideration. She alleged that, on October 24, 2018, M.R. summoned four security guards who “arrived with guns slung and trained” causing her trauma. Appellant asserted that after the original guards knocked on T.K.’s office, a second group of armed security guards knocked on the door and pointed their weapons at her. T.K. stepped between appellant and the guards and closed her in his office for five minutes. Appellant was then escorted to M.R.’s office where two armed guards instructed her to take her belongings and leave within 30 minutes. She further alleged that the employing establishment committed error or abuse by accusing her of misconduct by printing an e-mail provided by a reasonable accommodation customer to her inbox. Appellant also provided additional medical evidence and resubmitted R.H.’s April 4, 2019 statement.

By decision dated October 30, 2024, OWCP denied modification.

LEGAL PRECEDENT

An employee seeking benefits under FECA² 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 filed within the applicable time limitation of FECA, that an injury was sustained in the performance of duty, as alleged, and that any disability or specific condition for which compensation is claimed is causally related to the employment injury. 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.³

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 evidence establishing that the accepted compensable employment factors are causally related to the diagnosed emotional condition.⁴

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.⁵ However, disability is not compensable when it results from factors such as an

² *Id.*

³ *M.H.*, Docket No. 21-1297 (issued December 20, 2022); *C.V.*, Docket No. 22-0078 (issued November 28, 2022); *M.H.*, Docket No. 19-0930 (issued June 17, 2020); *Gary J. Watling*, 52 ECAB 357 (2001).

⁴ *See C.C.*, Docket No. 21-0283 (issued July 11, 2022); *S.K.*, Docket No. 18-1648 (issued March 14, 2019); *Donna Faye Cardwell*, 41 ECAB 730 (1990).

⁵ *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).

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.⁶

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.⁷ Where, however, the evidence demonstrates that the employing establishment either erred or acted abusively in discharging its administrative or personnel responsibilities, such action will be considered a compensable employment factor.⁸

For harassment or discrimination to give rise to a compensable disability under FECA, there must be probative and reliable evidence that harassment or discrimination did in fact occur.⁹ Mere perceptions of harassment or discrimination are not compensable under FECA.¹⁰

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish an emotional/stress-related condition in the performance of duty, as alleged.

OWCP denied appellant's emotional condition claim on the grounds that she had not established a compensable employment factor. The Board must, therefore, initially review whether the alleged incidents are compensable employment factors under FECA.¹¹ Appellant has not attributed her emotional condition to the performance of her regular or specially assigned duties under *Cutler*.¹² Rather, she primarily maintained that the employing establishment erred in administrative or personnel matters.

Specifically, appellant claimed that the employing establishment improperly denied her requests for a reasonable accommodation. She further alleged that on October 24, 2018 management officials, including M.R. and Q.H., mishandled their response to the PII documents that she left on the printer. Appellant asserted that M.R. improperly enlisted security to locate her within the building, improperly terminated her detail, and improperly enlisted security to escort her from the building. However, the Board has previously found that work assignments,¹³

⁶ *A.E.*, Docket No. 18-1587 (issued March 13, 2019); *Gregorio E. Conde*, 52 ECAB 410 (2001).

⁷ *See R.M.*, Docket No. 19-1088 (issued November 17, 2020); *Thomas D. McEuen*, 41 ECAB 387 (1990), *reaff'd on recon.*, 42 ECAB 556 (1991).

⁸ *See C.J.*, Docket No. 19-1722 (issued February 19, 2021); *M.A.*, Docket No. 19-1017 (issued December 4, 2019).

⁹ *See J.C.*, Docket No. 22-0254 (issued November 29, 2022); *E.G.*, Docket No. 20-1029 (issued March 18, 2022); *S.L.*, Docket No. 19-0387 (issued October 1, 2019); *S.B.*, Docket No. 18-1113 (issued February 21, 2019).

¹⁰ *A.E.*, *supra* note 6; *M.D.*, 59 ECAB 211 (2007); *Robert G. Burns*, 57 ECAB 657 (2006).

¹¹ *S.K.*, Docket No. 18-1648 (issued March 14, 2019); *Dennis J. Balogh*, 52 ECAB 232 (2001).

¹² *Supra* note 5.

¹³ *D.M.*, Docket No. 20-0500 (issued July 6, 2021); *V.M.*, Docket No. 15-1080 (issued May 11, 2017).

reasonable accommodation,¹⁴ removal from the building,¹⁵ and management directives,¹⁶ are administrative functions of the employer, and not duties of the employee.¹⁷ As explained above, the Board has held that 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.¹⁸ 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.¹⁹ The evidence of record does not substantiate that her complaints or requests were in fact mishandled by the employing establishment. The Board finds no evidence to demonstrate that management's handling of her requests for reasonable accommodations, ending of her detail assignment, determination that she improperly handled PII, or determination that she should be escorted from the building by security were arbitrary or unfair.

Appellant also asserted that security guards directed their weapons at her on October 24, 2018. This allegation is not supported by R.H.'s witness statement or other evidence. While appellant expressed dissatisfaction with the actions of her superiors, the Board has held that mere dislike or disagreement with certain supervisory actions will not be compensable absent error or abuse on the part of the supervisor.²⁰ As appellant has not shown error or abuse by the employing establishment in the above-noted matter on October 24, 2018, she has not established a compensable employment factor with respect to administrative or personnel matters.

Accordingly, the Board finds that appellant has not established a compensable employment factor under FECA. Thus, she has not met her burden of proof to establish an emotional/stress-related condition in the performance of duty.

As the Board finds that appellant has not established a compensable employment factor, it is not necessary to consider the medical evidence of record.²¹

¹⁴ See *G.M.*, Docket No. 17-1469 (issued April 2, 2018).

¹⁵ *S.S.*, Docket No. 08-729 (issued September 25, 2008).

¹⁶ *S.B.*, Docket No. 18-1113 (issued February 21, 2019).

¹⁷ See *M.C.*, Docket No. 18-0585 (issued February 13, 2019); see *Janet I. Jones*, 47 ECAB 345, 347 (1996), *Jimmy Gilbreath*, 44 ECAB 555, 558 (1993); *Apple Gate*, 41 ECAB 581, 588 (1990); *Joseph C. DeDonato*, 39 ECAB 1260, 1266-67 (1988).

¹⁸ *T.L.*, Docket No. 18-0100 (issued June 20, 2019); *Matilda R. Wyatt*, 52 ECAB 421 (2001); *Thomas D. McEuen*, *supra* note 7.

¹⁹ *P.G.*, Docket No. 25-0555 (issued June 20, 2025); *J.W.*, Docket No. 17-0999 (issued September 4, 2018); *Ruth S. Johnson*, 46 ECAB 237 (1994).

²⁰ *P.G.*, *id.*; *T.C.*, Docket No. 16-0755 (issued December 13, 2016).

²¹ See *B.O.*, Docket No. 17-1986 (issued January 18, 2019) (it is not necessary to consider the medical evidence of record if a claimant has not established any compensable employment factors). See also *Margaret S. Krzycki*, 43 ECAB 496, 502-03 (1992).

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 met her burden of proof to establish an emotional/stress-related condition in the performance of duty, as alleged.

ORDER

IT IS HEREBY ORDERED THAT the October 30, 2024 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: August 25, 2025
Washington, DC

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board

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