

² 5 U.S.C. § 8101 *et seq.*

ISSUE

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

FACTUAL HISTORY

On September 10, 2024 appellant, then a 59-year-old custodial laborer, filed a traumatic injury claim (Form CA-1) alleging that, on August 29, 2024, he developed post-traumatic stress disorder (PTSD), anxiety, stress, and depression while in the performance of duty. He stopped work on August 29, 2024. On the reverse side of the claim form, N.G., a customer service supervisor, controverted the claim, contending that on August 29, 2024 appellant was talking to coworkers for approximately two hours and not performing his custodial duties. He stated that when Supervisor A.A. calmly instructed appellant to perform his duties, appellant became irate and aggressive. Appellant pointed his fingers to Supervisor's A.A.'s face and yelled "you don't tell me what to do, you are from the Main Post Office, you have no authority here." Supervisor A.A. then instructed appellant to leave the building and go home.

In an August 29, 2023 statement, B.J., a rural carrier associate, indicated that she witnessed appellant become aggressive with management after being given a direct order. She related that he began to rant about a supervisor "coming from [the main post office] trying to run stuff and use authority." B.J. noted that the order from management was not given with authority or aggression, but was blown out of proportion when appellant, for a second time, had a conversation with a coworker behind the supervisor and was asked again to work. She alleged that appellant then became aggressive and pointed in the supervisor's face, shouting and yelling, "I don't do what you tell me to do, who do you think you are." Appellant was asked to leave but refused, continuously making remarks.

In a development letter dated September 20, 2024, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of additional factual and medical information needed and provided a questionnaire for his completion. OWCP afforded 60 days to submit the necessary evidence. In a separate development letter of even date, it requested that the employing establishment provide additional information regarding the location of the alleged employment incident, whether appellant was performing official duties, and copies of any personnel actions. OWCP afforded the employing establishment 30 days to respond.

OWCP subsequently received a statement dated August 29, 2024, wherein appellant related the events of that day. Appellant alleged that, at approximately 8:30 a.m., he was at the supervisor's desk, talking to other employees, when Supervisor A.A. asked him what he was doing. He responded in a joking manner by asking him what he was doing. Supervisor A.A. replied, "I don't have to tell you what I'm doing. I tell you what to do and you do it, I'm the boss. I don't see you cleaning just talking to people." Appellant replied that his boss was not at that location. Supervisor A.A. then stated, "You're done here. Go clean." Shortly afterwards, he left the area and went to clean the front of the building and restrooms. At approximately 9:55 a.m., appellant was talking to and arranging water bottles for the carriers while they were at their cases. Supervisor A.A. saw him and stated, "All you do is talk. Go clean." Appellant indicated that he asked "I can't talk?" and Supervisor S.S. responded, "No, I'm giving you a direct order." He indicated that

he said he was waiting for the restrooms he just mopped to dry and that he would “do cases and trash” once the carriers leave. Appellant alleged that Supervisor A.A. then started to yell at him about getting the union representative, J.T., and, when he agreed, Supervisor A.A. gave him a direct order to leave the building. When he asked why he was going home, Supervisor A.A. replied, “I told you to.” Appellant alleged that Supervisor A.A. also threatened to call the police because he was trespassing for refusing to leave. He indicated he told him to go ahead and call the police and that he wanted a union representative and a Form CA-1. Appellant asserted that he started to experience a “full anxiety attack” from being threatened to have the police called on him, noting that there were witnesses to the incident. He further alleged that Supervisor A.A. yelled that he has issues and he was the one to take care of them. Appellant related that the union representative called and advised him to calm down, relax, and go home.

In an August 29, 2024 statement, Supervisor A.A. related he was the cover supervisor and opening that day. At 8:30 a.m., he first noticed that appellant was not working. When he asked appellant if he had duties to perform, appellant responded “yes.” Supervisor A.A., however, continued to notice appellant socializing with employees and, at approximately 9:45 a.m., he again asked appellant if he had duties to perform and told him that he should be performing them. When appellant responded that he was not his boss, A.A. replied that he was his supervisor. He also instructed appellant to carry on with his duties. Approximately 10 minutes later, A.A. noticed that appellant was talking with a rural carrier behind his desk, so he turned around and asked appellant to please stop socializing and to clean because he was paid to clean and not socialize. He then gave appellant a direct order to go and perform his duties. A.A. alleged that appellant became irate and approached him in a threatful manner, pointing his finger at his face, and yelling “you don’t tell me what to do you are from the main post office you have no authority here.” He stated that he then instructed appellant to leave the building and go home because he was disrupting the workroom floor, and was becoming aggressive and raising his voice. When appellant refused to leave, A.A. advised that he would have the police remove him from the building if he did not leave on his own. He related that appellant became even more aggressive and continued to yell. A.A. noted that he had the union representative, J.T., call to ask appellant to leave, and after J.T. spoke to him on the telephone, he left the building. He noted that appellant continued to yell while he was on the telephone with J.T., and that he had asked appellant to take the telephone call outside.

In an August 29, 2024 statement, C.R., a coworker, indicated that at approximately 10:00 a.m., he witnessed supervisor A.A. ask appellant to do his job, to go clean. Appellant loudly requested a Form CA-1 and union representative.

In an undated report, as well as in an October 25, 2024 report, Sarah Hartford, an advanced practice registered nurse, indicated that appellant was seen on September 12, 2024 following an August 29, 2024 work event in which another employee was “yelling, causing altercation, threatening, belittling and exposing [appellant’s] medical conditions in front of other ‘saying he has issues.’” Ms. Hartford opined that the August 29, 2024 work incident caused a worsening of his underlying PTSD with changes in his psychiatric regimen, increased visits, and increased blood pressure. She also indicated that appellant was uncomfortable returning to work until his mental health and work environment was stabilized.

In an October 29, 2024 follow-up letter, OWCP advised appellant that it had conducted an interim review and found that the evidence remained insufficient to establish the factual

circumstances of his claim. It noted that he had 60 days from its September 20, 2024 letter to submit the necessary evidence. OWCP further advised that if the evidence was not received during this time, it would issue a decision based on the evidence contained in the record. No evidence was received.

By decision dated November 22, 2024, OWCP found that appellant did not sustain an emotional condition in the performance of duty as the evidence did not support that he actually experienced the employment incidents, as alleged. It concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

OWCP thereafter received reports by Dr. Mary M. O'Meara, a Board-certified family practitioner, dated November 26 and December 24, 2024, regarding the worsening of appellant's PTSD related to an August 29, 2024 work incident and advising that he was not cleared to work from a mental health standpoint.

An undated Equal Employment Opportunity (EEO) settlement agreement noted that appellant alleged discrimination based on disability when he was sent home on August 29, 2024. It specifically indicated that the agreement should not be construed as an admission or discrimination or wrongdoing on the part of any official of the employing establishment.

In a December 23, 2024 statement, J.T., the union representative, indicated that she received a distressed call from appellant on August 29, 2024 and that A.A. got on the telephone and very excitedly explained that he had told appellant to "get back to work. I don't pay him to stand around talking." She indicated that he related that appellant was standing at the supervisor's desk talking and he told him to get back to work, and that appellant said he was working and waiting for the bathroom floors to dry and the rural carriers to leave so he could start trash pickup. J.T. asserted that A.A. was upset, trying to make a point, and misunderstood appellant's sense of humor, which probably angered him and escalated the misunderstanding. She further related that his comment that appellant had issues and he was going to fix them should not have been said in front of appellant's coworkers and might have been construed as a threat. J.T. indicated that, as a seasoned supervisor, the proper thing would have been to tell appellant to take 10 minutes and go into the office and discuss it in the presence of his union representative.

On February 14, 2025 appellant requested reconsideration and submitted additional evidence including additional reports from Dr. Omeara dated January 22 and April 3, 2025 and a disability benefits questionnaire by Charles K. Weekley, Ph.D., a clinical psychologist, dated February 7, 2025.

On February 28, 2025 OWCP provided a copy of J.T.'s statement to the employing establishment for review and comment. It afforded the employing establishment 20 days to respond. No response was received.

By decision dated May 1, 2025, OWCP denied modification of its November 22, 2024 decision.

LEGAL PRECEDENT

An employee seeking benefits under FECA³ 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, that an injury was sustained while 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.⁴ These are the essential elements of each and every compensation claim regardless of whether the claim is predicated on a traumatic injury or an occupational disease.⁵

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.⁶

Workers' compensation law does not apply to each and every injury or illness that is somehow related to an employee's employment. There are situations where an injury or an illness has some connection with the employment but nevertheless does not come within the concept or coverage of workers' compensation. Where the disability results from an employee's emotional reaction to his or her regular or specially assigned duties or to a requirement imposed by the employment, the disability comes within the coverage of FECA.⁷ On the other hand, the disability is not covered where it results from such factors as an employee's fear of a reduction-in-force, or his or her frustration from not being permitted to work in a particular environment, or to hold a particular position.⁸

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.⁹ Where, however, the evidence demonstrates that the employing establishment either erred or acted abusively in

³ *Id.*

⁴ *A.J.*, Docket No. 18-1116 (issued January 23, 2019); *Gary J. Watling*, 52 ECAB 278 (2001).

⁵ 20 C.F.R. § 10.115(e); *M.K.*, Docket No. 18-1623 (issued April 10, 2019); *see T.O.*, Docket No. 18-1012 (issued October 29, 2018); *see Michael E. Smith*, 50 ECAB 313 (1999).

⁶ *See S.K.*, Docket No. 18-1648 (issued March 14, 2019); *M.C.*, Docket No. 14-1456 (issued December 24, 2014); *Debbie J. Hobbs*, 43 ECAB 135 (1991); *Donna Faye Cardwell*, 41 ECAB 730 (1990).

⁷ *Lillian Cutler*, 28 ECAB 125 (1976).

⁸ *A.E.*, Docket No. 18-1587 (issued March 13, 2019); *Gregorio E. Conde*, 52 ECAB 410 (2001).

⁹ *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).

discharging its administrative or personnel responsibilities, such action will be considered a compensable employment factor.¹⁰

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.¹¹ Mere perceptions of harassment are not compensable under FECA.¹²

ANALYSIS

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

Appellant has not alleged that his emotional condition was due to the performance of his regularly or specially-assigned duties under *Cutler*.¹³ Rather, he has alleged error and abuse in administrative matters by an employing establishment supervisor.

Specifically, appellant alleged that at approximately 9:30 a.m. on August 29, 2024 A.A. noticed appellant was talking to employees and not performing his duties and that, at 9:45 a.m., he asked appellant to perform his duties, and, as appellant became aggressive, he instructed him to leave the building due to his behavior. It further accepted that appellant had contacted J.T., a union representative, to assist with the situation and after he spoke with J.T. on the telephone, he left the building. The witness statements corroborated A.A.'s statement that appellant was aggressive with management, shouting and yelling. His allegations regarding his dissatisfaction with this supervisory action¹⁴ and assignment of work¹⁵ relates to administrative or personnel management actions. Administrative and personnel matters, although generally related to employment, are administrative functions of the employer rather than the regular or specially assigned work duties of the employee. As a general rule, a claimant's reaction to administrative or personnel matters falls outside the scope of FECA.¹⁶ For an administrative or personnel matter to be considered a compensable factor of employment, the evidence must establish error or abuse on the part of the employer.¹⁷ The Board finds that appellant has not established error or abuse by the employing establishment in this administrative matter. The EEO settlement agreement, which is devoid of any information regarding the basis for appellant's complaint, specifically indicated that it should

¹⁰ *L.R.*, Docket No. 23-0925 (issued June 20, 2024); *M.A.*, Docket No. 19-1017 (issued December 4, 2019).

¹¹ See *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).

¹² *Id.*

¹³ *Supra* note 7.

¹⁴ *N.S.*, Docket No. 21-0355 (issued July 28, 2021); *T.C.*, Docket No. 16-0755 (issued December 13, 2016).

¹⁵ *L.S.*, Docket No. 18-1471 (issued February 26, 2020); *V.M.*, Docket No. 15-1080 (issued May 11, 2017); *Donney T. Drennon-Gala*, 56 ECAB 469 (2005).

¹⁶ *E.M.*, Docket 19-0156 (issued May 23, 2019); *F.C.*, Docket No. 18-0625 (issued November 15, 2018).

¹⁷ *Thomas D. McEuen*, 41 ECAB 387 (1990), *reaff'd on recon.*, 42 ECAB 556 (1991).

not be construed as an admission or discrimination or wrongdoing on the part of the employing establishment. Although appellant expressed dissatisfaction with A.A.'s supervisory action and directives, 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.¹⁸ Thus appellant has not provided sufficient evidence to substantiate his allegations of error or abuse by the employing establishment in these administrative matters.

Appellant alleged that he felt threatened when A.A. yelled, in front of his coworkers, that he has issues and that he was the one to take care of them. OWCP accepted, based on J.T.'s statement, that A.A. made such a comment. Verbal altercations and difficult relationships with supervisors/managers, when sufficiently detailed and supported by the record, may constitute compensable factors of employment.¹⁹ However, this does not imply that every abusive or threatening statement uttered in the workplace will give rise to coverage under FECA. For appellant to prevail on his claim, he must support his allegations with probative and reliable evidence.²⁰ The Board has held that being spoken to in a loud or harsh tone does not in itself constitute verbal abuse or harassment.²¹ Appellant has not submitted any witness statements or other evidence which corroborate that A.A.'s comment was threatening in nature. Mere allegations, in the absence of factual corroboration, are insufficient to meet a claimant's burden of proof.²² Thus, there is no indication that the employing establishment committed error or acted abusively in this instance.

As the Board finds that appellant has not established a compensable employment factor, it is not necessary to consider the medical evidence of record.²³

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

¹⁸ *F.W.*, Docket No. 19-0107 (issued June 10, 2020).

¹⁹ See *D.C.*, Docket No. 23-1068 (issued March 15, 2024); *J.M.*, Docket No. 16-0717 (issued January 12, 2017); *L.M.*, Docket No. 13-0267 (issued November 15, 2013).

²⁰ *Y.J.*, Docket No. 15-1137 (issued October 4, 2016).

²¹ *R.T.*, Docket No. 13-1665 (issued September 12, 2014).

²² See *K.G.*, Docket No. 16-1066 (issued September 21, 2017); *Pamela D. Casey*, 57 ECAB 260 (2005); *Bonnie Goodman*, 50 ECAB 139 (1998).

²³ See *R.B.*, Docket No. 19-0434 (issued November 22, 2019); *B.O.*, Docket No. 17-1986 (issued January 18, 2019); (finding that 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).

ORDER

IT IS HEREBY ORDERED THAT the May 1, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: August 18, 2025
Washington, DC

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

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

Janice B. Askin, Judge
Employees' Compensation Appeals Board