

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

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| <b>L.L., Appellant</b>   | ) |                                 |
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| <b>and</b>   | ) | <b>Docket No. 24-0256</b>       |
|  | ) | <b>Issued: December 4, 2025</b> |
| <b>U.S. POSTAL SERVICE, MARION POST<br/>OFFICE, Marion, IA, Employer</b> | ) |                                 |
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*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 January 17, 2024 appellant filed a timely appeal from a December 21, 2023 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act<sup>1</sup> (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction to consider the merits of this case.

**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 December 1, 2022 appellant, then a 54-year-old city carrier, filed an occupational disease claim (Form CA-2) alleging that he sustained an aggravation of post-traumatic stress disorder (PTSD) causally related to factors of his federal employment. He attributed his condition

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<sup>1</sup> 5 U.S.C. § 8101 *et seq.*

to constant changes in management and structure at the employing establishment, noting that he previously had 25 or more different managers. Appellant indicated that there were no standard operating procedures. He noted that he first became aware of his condition on June 7, 1997, and realized its relation to factors of his federal employment on November 26, 2022. Appellant stopped work on December 1, 2022 and returned on December 7, 2022.

On December 2, 2022 the employing establishment challenged appellant's claim, contending that he had failed to provide a detailed description of the work factors alleged to have caused his condition and supporting medical evidence.

In a development letter dated December 13, 2022, OWCP advised appellant of the factual and medical evidence necessary to establish his claim and attached a questionnaire for his completion. OWCP afforded appellant 30 days to submit the requested information. No response was received.

By decision dated January 19, 2023, OWCP denied appellant's claim. It found that the factual evidence of record was insufficient to establish that he actually experienced the alleged employment factors. OWCP concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

On March 6, 2023 appellant requested reconsideration. In an accompanying statement, he related that he had served in the military, in combat, and had been in a mass shooting, but that those events were "nothing compared" to what he had endured at the employing establishment. Appellant advised that managers engaged in bullying and showed favoritism to other employees. He filed an Equal Employment Opportunity (EEO) complaint against J.H., one of many postmasters that had revolved through his work location. Appellant advised that there had been around 30 to 40 managers and postmasters in the last 15 years at his location. On December 7, 2022, J.H. advised that he was conducting an investigative interview. Appellant maintained that this was in retaliation for filing the EEO complaint. He further related that he missed two days of work and a supervisor and D.C., a clerk, talked about him on the work floor. In February 2023, appellant spoke with J.H. about the issue, but was not satisfied with his response, so he completed paperwork for mental health leave.

OWCP received December 14, 2022, and January 31, February 14, and March 10, 2023 reports from a social worker, and January 26 and February 23, 2023 reports from nurse practitioners. He also submitted a January 26, 2023 diagnostic study from Dr. William J. Sharp, a Board-certified surgeon, finding no evidence of deep vein thrombosis, and the results of a sleep study performed on March 6, 2023 by Dr. Mark Eric Dyken, a Board-certified neurologist.

By decision dated May 16, 2023, OWCP denied modification of its January 19, 2023 decision.

On August 28, 2023 appellant requested reconsideration. In accompanying undated statements, he described incidents that occurred since 2014. Appellant related that he placed a leave form on a supervisor's desk on April 7, 2014 as usual, and the next morning an individual told him he was supposed to hand the form directly to the supervisor rather than putting it on the desk. Another individual told him he was the worst of all carriers that day, and the individual

became angry after hearing appellant's response. Appellant further alleged that, on December 31, 2014, a manager "came over and started in" on him to the point that he had to request leave after he asked her why a drive route was being separated rather than a walking route.

Appellant further advised that on January 10, 2015 a coworker told him that others were mocking him because he left work due to PTSD. He confronted one of the coworkers, who later apologized. In a text message dated August 20, 2021, appellant advised a manager that a coworker who was a "racist and known feminist," called him crazy and used obscenities.

Appellant submitted copies of text messages that he sent expressing his concerns about incidents at his work location.

On August 14, 2023 a nurse practitioner noted that appellant had a history of PTSD and recommended that he not "continue in any type of work environment."

In an undated statement, received on September 11, 2023, appellant related that around November 24 or 25, 2023, D.C. was placed on administrative leave due to misconduct and bullying. He asserted that her bullying had caused his work problems.

In an e-mail dated October 19, 2023, J.H., a manager, related that he had acted as referee between appellant and L.R., and everyone else in the office. Employees at the location complained about L.R., appellant and D.C. J.H. advised that appellant had filed an EEO complaint alleging that he gave M.M. preferential treatment. He indicated that because M.M. was eight months pregnant, he gave her a riding route when available. Appellant alleged that being around coworkers negatively affected him, so J.H. altered his starting time. J.H. asked him to discuss the EEO complaint and his allegation of possible workplace violence. Appellant maintained that J.H. allowed D.C. to harass him. J.H. advised that he had talked to D.C. about problems, and that she had sought medical assistance for an undiagnosed mental health condition. He noted that workers in the office believed that appellant was the bully. J.H. agreed that he did not know how to handle the conflict among the employees at the work location, and that it was "doubly difficulty" because he could not see what appellant "was continuously claiming."

On October 20, 2023 appellant alleged that people made jokes about him because he had a service dog and believed that he was receiving special treatment.

In response to J.H.'s October 20, 2023 statement, appellant questioned why, if he and L.R. were bullies, he had only been written up once over 10 years ago. M.M. was pregnant, but less than eight months when he complained that she was working off her swing shift. M.M. did clerk work, but when appellant asked to do it, J.H. told him no because D.C. would file a grievance. Appellant sent text messages to J.H.'s superior, but she took no action.

On October 20, 2023 appellant asserted that A.B. violated his medical privacy.

In a statement dated October 23, 2023, L.R. indicated that J.H. told employees that the work location would never change, and that she was not part of the popular group. In March 2023, employees circled a petition asking for her to be terminated. L.R. asked for cameras to be put in the employing establishment.

In an undated statement received October 31, 2023, A.H. advised that J.H. made statements about how he wanted to be part of the ‘popular crowd.’ A.H. complained about D.C.’s attitude and cursing, but J.H. told her to ignore it.

The record contains a transcript of a voice recording purportedly between appellant, J.H., L.R., and M.C., a union steward.

In a message dated March 15, 2023, J.R., a manager, noted that appellant had informed her that he had records of harassment going back years, and asserted that the postmaster was creating a hostile work environment by failing to address the negative issues. She asked for specific information regarding his allegations, including specific incidents, the date that they occurred, and whether they were reported.

By decision dated November 20, 2023, OWCP denied modification of its May 16, 2023 decision. It noted that appellant had provided only vague allegations of dissatisfaction and the evidence was insufficient to establish a compensable work factor.

On December 4, 2023 appellant requested reconsideration and submitted additional evidence.

In a statement dated November 28, 2023, appellant asserted that he had established workroom violence, harassment, and mental abuse through statements by L.R. and A.H. He noted that J.H. had admitted he did not know how to handle the problems among employees at the employing establishment.

In a December 6, 2023 e-mail, J.H. advised that when he initially began working at appellant’s location, he had to learn how to handle personality conflicts. He noted that appellant had an issue with nearly everyone at work. J.H. changed his start time to an hour before his coworkers and removed a door stopper to the break room because he was upset that he could hear others talking, but appellant continued to find other things wrong. J.H. denied seeing any of his medical documentation. L.R. believed that she was being harassed, so J.H. went with her to the loading dock.

In a statement dated December 7, 2023, appellant related that J.H. knew that there were problems at the work location before he became postmaster and questioned why he did not admit there were serious problems. Coworkers used cases of water to hold open the door of the breakroom. If appellant closed the door the group would complain. Appellant further questioned why he would have asked J.H. for assistance if he was a bully.

In a December 12, 2023 email, J.H. advised that appellant had not been “deliberately mistreated by management” while he was in charge, and that he had attempted “to defuse all situations he approached me with.” He related that he did not know how many supervisors had been at the work location.

By decision dated December 21, 2023, OWCP modified its November 20, 2023 decision to find that, as there were no compensable factors of employment, appellant had not established an injury in the performance of duty.

## **LEGAL PRECEDENT**

An employee seeking benefits under FECA<sup>2</sup> has the burden of proof to establish the essential elements of his or her claim, including 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 of FECA,<sup>3</sup> 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.<sup>4</sup> 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.<sup>5</sup>

To establish a claim for an emotional/stress-related condition in the performance of duty, an employee must submit: (1) factual evidence identifying employment factors or incidents alleged to have caused or contributed to his or her condition; (2) medical evidence establishing that he or she has an emotional or psychiatric disorder; and (3) rationalized medical opinion evidence establishing that the identified compensable employment factors are causally related to the diagnosed emotional condition.<sup>6</sup>

Workers' compensation law does not apply to 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.<sup>7</sup> 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.<sup>8</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>9</sup> Where, however, the

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<sup>2</sup> *Id.*

<sup>3</sup> *S.S.*, Docket No. 19-1021 (issued April 21, 2021); *F.H.*, Docket No. 18-0869 (issued January 29, 2020); *J.P.*, Docket No. 19-0129 (issued December 13, 2019); *Joe D. Cameron*, 41 ECAB 153 (1989).

<sup>4</sup> *L.C.*, Docket No. 19-1301 (issued January 29, 2020); *J.H.*, Docket No. 18-1637 (issued January 29, 2020); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

<sup>5</sup> *L.N.*, Docket No. 22-0126 (issued July 15, 2023); *P.A.*, Docket No. 18-0559 (issued January 29, 2020); *K.M.*, Docket No. 15-1660 (issued September 16, 2016); *Delores C. Ellyett*, 41 ECAB 992 (1990).

<sup>6</sup> *S.D.*, Docket No. 23-0898 (issued July 13, 2023); *R.B.*, Docket No. 19-0343 (issued February 14, 2020).

<sup>7</sup> *A.C.*, Docket No. 18-0507 (issued November 26, 2018); *Pamela D. Casey*, 57 ECAB 260, 263 (2005); *Lillian Cutler*, 28 ECAB 125 (1975).

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

<sup>9</sup> 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).

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.<sup>10</sup>

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.<sup>11</sup> Mere perceptions of harassment are not compensable under FECA.<sup>12</sup>

### ANALYSIS

The Board finds that appellant has not established an emotional/stress-related condition in the performance of duty, as alleged.

Appellant has not attributed his condition to the performance of his regularly or specially assigned duties under *Cutler*.<sup>13</sup> Instead, he primarily attributed his emotional/stress-related condition to administrative and personnel matters. Specifically, in a statement dated December 24, 2022, appellant related that he had 30 to 40 managers over a 15-year period. On December 7, 2022, J.H. indicated that he was conducting an investigative interview, which appellant asserted was in retaliation for filing the EEO claim. Appellant also alleged that in April 2014 an individual told him he should hand leave forms to his supervisor instead of leaving the forms on a desk. J.H., on the other hand, contended that appellant had alleged in an EEO complaint that he gave M.M. preferential treatment; however, he explained that he provided M.M. with a riding route when it was available as she was pregnant. J.H. further denied seeing appellant's medical documentation. Appellant has submitted no evidence that the employing establishment acted unreasonably. An employee's reaction to an administrative or personnel matter is not covered by FECA unless there is evidence that the employing establishment acted unreasonably.<sup>14</sup> The Board thus finds that the evidence of record is insufficient to establish a compensable employment factor in this regard.<sup>15</sup>

Appellant additionally attributed his condition to harassment by managers and coworkers. However, he has not submitted corroborative evidence to substantiate these allegations. The Board has held that unfounded perceptions of harassment or discrimination do not constitute an employment factor.<sup>16</sup> Accordingly, the Board finds that appellant has not established a compensable factor in this regard.

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

<sup>11</sup> 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).

<sup>12</sup> *Id.*

<sup>13</sup> *Supra* note 7.

<sup>14</sup> *S.D.*, *supra* note 6; see also *Alfred Arts*, 45 ECAB 530 (1994).

<sup>15</sup> *Id.*; see also *B.G.*, Docket No. 18-0491 (issued March 25, 2020).

<sup>16</sup> See *C.C.*, Docket No. 21-0519 (issued September 22, 2023); *F.K.*, Docket No. 17-0179 (issued July 11, 2017).

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

As the Board finds that appellant has not established a compensable employment factor, it is not necessary to consider the medical evidence of record.<sup>17</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 an emotional/stress-related condition in the performance of duty, as alleged.

### **ORDER**

**IT IS HEREBY ORDERED THAT** the December 21, 2023 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: December 4, 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

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<sup>17</sup> 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).