United States Department of Labor
Employees' Compensation Appeals Board

W.C., Appellant	)	
and	)	**Docket No. 25-0623**
	)	**Issued: December 3, 2025**
U.S. POSTAL SERVICE, SAN FRANCISCO PROCESSING & DISTRIBUTION CENTER FINANCE POST OFFICE, San Francisco, CA, Employer	)	

Appearances:
Alan J. Shapiro, Esq., for the appellant[1]
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 June 16, 2025 appellant, through counsel, filed a timely appeal from a May 27, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act[2] (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

[1] In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; *see also* 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

[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 April 14, 2023 appellant, then a 56-year-old motor vehicle operator, filed an occupational disease claim (Form CA-2) alleging that he had a cardiac event for which he underwent major surgery causally related to factors of his federal employment including constant stress and previous injuries and events surrounding distress from neglect and abusive treatment by management. He claimed that he was shocked to have received a notice of removal dated January 7, 2023 from L.D., a supervisor. Appellant noted that he first became aware of his condition and realized its relationship to his federal employment on January 10, 2023. On the reverse side of the claim form, R.Z., appellant's former logistics operations manager, contended that on or around December 29, 2022 appellant reported to an acting manager that he had "broken heart syndrome" because his daughter was getting married and having a baby without his knowledge. He noted that appellant stopped work on December 30, 2022, and had not returned. R.Z. further noted that appellant had provided a doctor's note placing him off work for an unspecified reason from January 10 through May 21, 2023.

Appellant submitted medical evidence in support of his claim.

In a development letter dated April 26, 2023, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence necessary to establish his claim and provided a questionnaire for his completion. OWCP afforded appellant 60 days to submit the necessary evidence. In a separate development letter of even date, it requested that the employing establishment provide additional information, including comments from a knowledgeable supervisor regarding the accuracy of appellant's claim. OWCP afforded the employing establishment 30 days to respond.

In a response dated May 10, 2023, R.Z. contended that, on January 6, 2023, appellant was issued a notice of removal. He reiterated that on December 29, 2023 appellant reported that he had "broken heart syndrome" because his daughter was getting married and having a baby without telling him. R.Z. contended that appellant had a preexisting nonwork-related heart condition. He noted that appellant's job was not stressful as his run was two and one-half hours after lunch break. R.Z. lightened appellant's workload by keeping him on standby for the last two and one-half hours of his workday. Appellant did not work overtime. R.Z. noted that appellant had never expressed that he was stressed. He noted that staffing challenges had not affected appellant's workload and he did not ask appellant to do more than any other driver. R.Z. related that the only variation from appellant's job description was not having to collect mail from collection boxes or deposit mail in relay boxes. Appellant drove 7- or 11-ton bobtail trucks, not a tractor trailer.

In a follow-up letter dated June 7, 2023, OWCP advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish his claim. It noted that he had 60 days from the April 26, 2023 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 additional evidence was received.

By decision dated July 10, 2023, OWCP denied appellant's emotional/stress-related condition claim, finding that he had not established that he sustained an emotional/stress-related condition in the performance of duty.

OWCP subsequently received a June 25, 2023 narrative statement, wherein appellant contended that, in 2021, he was working as a 204B supervisor when he became a whistleblower. He reported time fraud activities performed by supervisor L.D. and management to the employing establishment's office of inspector general (OIG). Appellant contended that, after doing so, L.D. tried to get him fired from work. He claimed that L.D. openly expressed her intention to D.L. and staff in the dispatch office; R.L. and Y.S., plant supervisors; and M.B., a union shop steward. Appellant asserted that from December 2019 through August 2020, he reported events that caused him extensive muscular skeletal pain from driving 11-ton cabover trucks to management, which included B.S., L.D., G.B., and H.D. Managers mandated that he drive the 11-ton cabover trucks due to the volume of mail cargo on his route and there were no other straight A trucks available. Appellant noted that although his request for reasonable accommodation was denied, G.G., a labor relations manager, told C.D. and J.A., new managers, to provide him with a straight frame cargo truck. While M.P., G.G., and managers, C.D., and J.A., agreed to give him an 11-ton non-cabover truck, he never received the truck. Appellant had to continue driving the cabover 11-ton trucks until he was able to switch his work detail to driving a 7-ton truck. In late December 2019, he sustained a bruise on his right hip, pain in his right hip, and three broken thoracic rib bones on the left side of his chest when he was hit by a fully over-the-road (OTR) container weighing at least 2,500 pounds. Appellant reported the incident to management and his supervisors recommended that he get up and seek his own medical care. They also advised him that he would be fired if he reported the accident. On November 4, 2021 appellant injured his right hip, right ankle, neck, and both hands and shoulders when a cart on an overloaded general-purpose container (GPC) collapsed and caused the cart to tip over on top of him. He contended that L.D. refused to provide medical help. She blatantly told appellant that he was not hurt and that he needed to return to work. Appellant struggled, limped, and dragged himself to get the mail back onto the truck and to the employing establishment. He also noted that he worked a six-day workweek.

On July 19, 2023 appellant, through counsel, requested an oral hearing before a representative of OWCP's Branch of Hearings and Review.

Following a preliminary review, by decision dated August 14, 2024, OWCP's hearing representative set aside the July 10, 2023 decision, and remanded the case to OWCP for further development with regard to whether appellant had established a compensable factor of his federal employment. On remand, the hearing representative instructed OWCP to request that the employing establishment review and further comment on appellant's allegations. Following this and other such further development as deemed necessary, OWCP was to issue a *de novo* decision.

In an August 16, 2024 development letter, OWCP requested that the employing establishment further comment on appellant's allegations.

In a response dated September 14, 2024, R.Z. contended that disciplinary action was taken against appellant on January 6, 2023 for improper conduct as he struck a female co-worker on the back with a large seat cushion. When appellant found out that the co-worker had filed a sexual harassment complaint against him, he filed an OWCP claim and never returned to work or provided medical documentation excusing him from work. On January 22, 2024 appellant informed R.Z. that he intended to return to work on January 23, 2024 and would submit a work status report from his physician, but he did not submit the report or email his work restrictions to R.Z., as requested. R.Z. denied appellant's allegation that L.D. was involved with time fraud. He maintained that appellant never requested to switch from driving an 11-ton cabover truck to a 7-ton box truck, but if he had done so, the request would have been granted. R.Z. related that he could not find any incident report regarding the alleged December 2019 incident. He denied appellant's allegation that he was told that he would be fired if he reported a work-related injury. R.Z. noted that appellant had filed other OWCP claims and was never disciplined or recommended for termination. He related that protocol required asking an injured employee if he or she wanted medical attention and if so, the employee would be taken to an emergency room. If medical attention was declined, it was the employee's discretion to seek medical attention. R.Z. maintained that he could not find any incident report regarding the alleged November 4, 2021 incident. He noted, however, that on around that date, another female co-worker reported a harassment incident involving appellant. R.Z. further denied appellant's allegation that he worked a six-day workweek. He related that if appellant did so, it was because he volunteered for overtime work. R.Z. maintained that appellant rarely worked a sixth day and if he was not assigned to work a sixth day, he would ask R.Z. whether work was available. He indicated that appellant was only asked to be in regular attendance and to perform his work duties in a safe and efficient manner. R.Z. asserted that he was aware of appellant's back issues and lightened his workload by giving him "standby time" which essentially provided him with a 2-hour rest period every day in addition to his 30-minute lunch break.

By *de novo* decision dated November 22, 2024, OWCP again denied appellant's emotional condition claim, finding that he had not established a compensable employment factor and, therefore, had not sustained an injury in the performance of duty.

On December 5, 2024 appellant, through counsel, requested an oral hearing before a representative of OWCP's Branch of Hearings and Review.

In an April 15, 2025 statement, appellant alleged that he was mandated to work 10 to 12 hours per day, 6 days per week for 1 year and 7 months during the pandemic. He described the fear and severe distress he experienced daily while driving an 11-ton cab over his truck. Appellant also experienced stress when supervisors and management constantly called his cell phone and asked him for updates and chastised him for being behind schedule. He asserted that neither the safety and training department nor union representatives provided remediation of these issues. Appellant reported problems with his trucks to supervisors, managers, and service technicians, and other drivers adamantly refused to use these trucks due to their notorious safety problems. He claimed that his routes changed daily and he was constantly exposed to diesel exhaust fumes in the driver compartment of his trucks. Appellant was worried about fluid that leaked not only on the reservoir tank, but also in the fuel island every day. All drivers complained about these issues, but management and supervisors did not respond. Instead, appellant alleged that he was constantly harassed and ridiculed by them. He noted that his

request for reasonable accommodation was denied, but subsequently, B.S. offered him a job inside the dispatch office to give his body a break from his truck problems. Appellant asserted that he was harassed by supervisors who thought he was gay. They showed him obscene gestures and photographs. Appellant asserted that B.S. did nothing to stop the harassment. He complained to supervisors, a department manager, a human resources/employee relations manager, and a plant manager about his supervisors' behavior. Appellant stepped down from his 204B supervisor position after six months due to the abuse from his peers. He noted that in response to his request for personal protection equipment (PPE) for protection against Covid-19, his managers and supervisors advised him to buy his own PPE. Appellant contended that he was also harassed and ridiculed by drivers and other motor vehicle operators who called him a rat and a whistleblower. He also contended that after filing a confidential complaint with the OIG regarding the abuse of the time and attendance system by supervisors, his complaint and identity were released to all the process teams.

In a May 2, 2025 statement, R.Z. noted his review of the additional evidence submitted by appellant. He contended that if appellant had filed many complaints and safety hazard reports, then there would be a "long paper trail." R.Z. reiterated that appellant was never mandated to work more than eight hours per day. When R.Z. was his supervisor, appellant worked five days per week. He indicated that all drivers could choose the type of truck they wished to use. Appellant's job description allowed him to only drive 7- or 11-ton trucks for the motor vehicle operator type runs. R.Z. noted that dispatch clerks went through many measures to ensure the drivers felt comfortable in their vehicles. He related that appellant never complained about driving an 11-ton truck and provided an impression that he preferred to use this vehicle. R.Z. maintained that he would have changed appellant's vehicle if he had asked him to do so. He further maintained that drivers' frequent requests to switch trucks were accommodated. R.Z. also noted that trucks were regularly scheduled for a preventive maintenance inspection several times a year. Drivers were required to tag vehicles for repair. R.Z. maintained that appellant was never forced to use an 11-ton truck. There were always plenty of 7-ton trucks available to him. If appellant had complained about fuel leaking, the vehicle maintenance facility would have been notified to correct the hazmat deficiency. R.Z. noted that the facility ran the risk of hefty fines if material hazards were not addressed. He further noted that if diesel fuel spilled on appellant's hand it was because he was overfilling the fuel tanks. R.Z. related that he never received his complaints regarding this matter. He noted that shop steward, J.D., would never tell a driver to keep his/her mouth shut. R.Z. also noted that appellant told him that he stepped down from his supervisor position because he was unable to effectively run the logistics operations without the drivers' cooperation. He maintained that the employing establishment placed the health and safety of its employees in the forefront. R.Z. noted that leather and disposable gloves, masks, hand sanitizers, disinfectant wipes, paper towels, high visibility safety vests, safety glasses, and bottled water were still provided to employees. He often observed appellant interacting and getting along with drivers but, reiterated that he was explosive with supervisors and did not recognize boundaries with women resulting in many complaints being filed against him by them. R.Z. noted that according to the employing establishment's payroll journal, appellant was not at work on Saturday, January 7, 2023 when he was given the notice of removal. He also noted that appellant did not report a medical emergency regarding that disciplinary action. Additionally, R.Z. indicated that appellant had not provided sufficient medical documentation to support his alleged work-related heart attack.

Additionally, R.Z. maintained that driver safety was important to all supervisors and managers in the logistics unit, noting that the only time a telephone call was made to a driver on a route was when they were notified that the driver had not made it to the scheduled pickup or delivery. The exceptions to this policy included notifying a driver about an emergency or a hazard on their route, a street, or highway, road closures due to traffic, construction or public protest. R.Z. further noted that driver scanners were used to avoid making direct telephone calls to a driver while they were operating a commercial vehicle. He indicated that all employing establishment vehicles received regular preventative maintenance care from the employing establishment's onsite vehicle maintenance facility.

By decision dated May 27, 2025, OWCP's hearing representative affirmed the November 22, 2024 decision.

LEGAL PRECEDENT

An employee seeking benefits under FECA[3] 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,[4] 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.[5] 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.[6]

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.[7]

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

[3] *Supra* note 2.

[4] *C.B.*, Docket No. 21-1291 (issued April 28, 2022); *S.C.*, Docket No. 18-1242 (issued March 13, 2019); *J.P.*, 59 ECAB 178 (2007); *Joe D. Cameron*, 41 ECAB 153 (1989).

[5] *M.H.*, Docket No. 23-0467 (issued February 21, 2024); *L.C.*, Docket No. 19-1301 (issued January 29, 2020); *T.H.*, Docket No. 18-1736 (issued March 13, 2019); *R.C.*, 59 ECAB 427 (2008).

[6] *P.A.*, Docket No. 18-0559 (issued January 29, 2020); *T.E.*, Docket No. 18-1595 (issued March 13, 2019); *Delores C. Ellyett*, 41 ECAB 992 (1990).

[7] *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).

assigned work duties or a requirement imposed by the employment, the disability is deemed compensable.[8] 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.[9]

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.[10] 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.[11]

To the extent that, disputes and incidents alleged as constituting harassment by coworkers are established as occurring and arising from a claimant's performance of his or her regular duties, these could constitute employment factors.[12] 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.[13] Mere perceptions of harassment are not compensable under FECA.[14] A claimant must substantiate allegations of harassment or discrimination with probative and reliable evidence.[15]

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 attributed his emotional/stress-related condition, in part to performing his regular or specially-assigned duties. He specifically attributed his conditions to being overworked. Appellant indicated that he was required to work 10 to 12 hours per day, 6 days per

[8] *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).

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

[10] *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).

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

[12] *T.L.*, Docket No. 18-0100 (issued June 20, 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).

[13] *See K.F.,* Docket No. 23-0278 (issued August 7, 2023); *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).

[14] *Id.*

[15] *See J.R.,* Docket No. 20-1382 (issued December 30, 2022); *L.J.*, Docket No. 20-0998 (issued December 14, 2022); *S.G.*, Docket No. 22-0495 (issued November 4, 2022); *J.F.*, 59 ECAB 331 (2008); *Robert Breeden*, 57 ECAB 622 (2006).

week, for 1 year and 7 months during the COVID-19 pandemic. The Board has held that overwork, when substantiated by sufficient factual information to corroborate appellant's account of events, may constitute a compensable factor of employment.[16] R.Z., appellant's former manager, denied appellant's allegation of overwork. He noted that appellant was never required to work more than eight hours per day, and appellant worked five days per week when he was his supervisor. R.Z. further noted that, if appellant did work overtime, he volunteered for such work. He indicated that appellant would ask him if more work was available. R.Z. also indicated that he was aware of appellant's back issues and lightened his workload by keeping him on standby for the last two and one-half hours of his workday, which in effect provided him with a 2-hour rest period every day in addition to his 30-minute lunch break. The Board, therefore, finds that appellant has not established overwork as a compensable factor of employment.[17]

Appellant has also attributed his emotional/stress-related condition to administrative and personnel actions. In particular, he claimed that L.D., his supervisor, issued a notice of removal to him on January 7, 2023. Appellant also alleged that managers, B.S., L.D., G.B., and H.D., failed to respond to his requests to switch his truck for safety reasons and to accommodate his back condition; and failed to provide medical assistance to him when he was injured in December 2019, and on November 4, 2021. He further claimed that his supervisors advised him not to report the December 2019 incident because he would be fired. These allegations regarding issuance of a letter of removal,[18] denial of requests to switch his truck, denial of his request for PPE,[19] denial of requests for reasonable accommodation,[20] and dissuading the filing of an incident report relate to administrative or personnel management actions.[21] There is no indication that the employing establishment committed error or acted abusively in these matters. Therefore, the Board finds that appellant has not established a compensable employment factor in this regard.

Appellant also alleged harassment by L.D. with regard to his whistleblower activity; by his supervisors/managers who constantly called his cell phone, asked him for updates, and chastised him for being behind schedule, bullied and cursed at him using foul language, showed him obscene gestures and photographs because they thought he was gay; and by other drivers

[16] *See J.F.,* Docket No. 25-0100 (issued January 10, 2025); *C.F.,* Docket No. 20-1070 (issued August 9, 2023); *L.S.*, Docket No. 18-1471 (issued February 26, 2020); *R.B.*, Docket No. 19-0343 (issued February 14, 2020); *Bobbie D. Daly*, 53 ECAB 691 (2002); *T.M.*, Docket No. 15-1774 (issued January 20, 2016).

[17] *V.A.,* Docket No. 25-0375 (issued May 5, 2025); *C.F., id.*

[18] *M.C.,* Docket No. 20-1051 (issued May 6, 2022); *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).

[19] *N.H.,* Docket No. 14-0360 (issued October 6, 2016); *L.A.,* Docket No. 13-1544 (issued September 23, 2014); *Ronnie Montgomery,* Docket No. 05-1206 (issued September 8, 2005).

[20] *J.A.,* Docket No. 23-1001 (issued July 2, 2024); *M.H.,* Docket No. 21-1297 (issued December 20, 2022); *B.T.* Docket No. 20-1627 (issued January 11, 2023); *F.W,* Docket No. 18-1526 (issued November 26, 2019); *James P. Guinan,* 51 ECAB 604, 607 (2000); *John Polito,* 50 ECAB 347, 349 (1999).

[21] *Supra* note 10.

and motor vehicle operators who called him a whistleblower. The Board finds that appellant did not submit any witness statements or other corroborative evidence demonstrating that the alleged harassment and/or discrimination occurred as alleged for any of his allegations.[22] As noted above, mere perceptions of harassment are not compensable under FECA, a claimant must substantiate allegations of harassment or discrimination with probative and reliable evidence, and unsubstantiated allegations of harassment or discrimination are not determinative of whether such harassment or discrimination occurred.[23] Based on the evidence of record, the Board finds that appellant has not established a compensable factor in this regard.

As the Board finds that appellant has not established a compensable employment factor, it is not necessary to consider the medical evidence of record.[24]

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.

[22] *See T.B.,* Docket No. 25-0552 (issued August 27, 2025); *B.S.,* Docket No. 19-0378 (issued July 10, 2019).

[23] *J.F., supra* note 16; *L.E.,* Docket No. 22-1302 (issued December 26, 2023); *L.S., supra* note 16.

[24] *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).

ORDER

IT IS HEREBY ORDERED THAT the May 27, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: December 3, 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