

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

C.J., Appellant)
and) Docket No. 25-0832
DEPARTMENT OF THE TREASURY,) Issued: December 19, 2025
INTERNAL REVENUE SERVICE, Austin, TX,)
Employer)

)

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

Case Submitted on the Record

DECISION AND ORDER

Before:

ALEC J. KOROMILAS, Chief Judge
PATRICIA H. FITZGERALD, Deputy Chief Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On August 28, 2025 appellant filed a timely appeal from April 21 and August 6, 2025 merit decisions 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 December 2, 2024 appellant, then a 39-year-old tax examiner, filed an occupational disease claim (Form CA-2) alleging that she sustained anxiety caused by stress from her work environment. She noted that she first became aware of her condition on April 21, 2020, and

¹ 5 U.S.C. § 8101 *et seq.*

realized its relation to her federal employment on November 29, 2024. In an accompanying statement, appellant noted that she experienced shortness of breath, nausea, vomiting, and chest pains, and went to an emergency room on April 22, 2020. On the reverse side of the Form CA-2 and an attachment, E.Z., an employing establishment program manager, indicated that the employing establishment premises closed in March 2020 due to the COVID-19 pandemic, and appellant returned to the premises in early-January 2021. He advised that she then self-furloughed on January 29, 2021, and did not return to the employing establishment premises after that date. E.Z. indicated that appellant filed for Family and Medical Leave Act (FMLA) leave and disability retirement, and requested self-furlough status in 2022, 2023, and 2024.

In an undated statement received by OWCP on December 5, 2024, appellant asserted that her preexisting schizophrenia and generalized anxiety disorder were aggravated by her work environment. She indicated that she was diagnosed with schizophrenia in 2012 and anxiety in 2019. Appellant maintained that she worked in a stressful work environment with “management expectations of workload and deadlines” and noted that she was unable to perform her work duties on a regular basis due to stress and her mental health. She indicated that she went to the emergency room several times during her employment and that management denied her requests for reasonable accommodation on five occasions. Appellant asserted that she was exposed to stress for eight hours per workday, five days per week. She further advised that she filed for disability retirement which was approved.

Appellant submitted medical evidence in support of her claim.

In a December 23, 2024 development letter, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence necessary to establish her claim, provided a questionnaire for her completion, and afforded her 60 days to submit the evidence. In a separate development letter of even date, OWCP requested additional information from the employing establishment, including comments from a knowledgeable supervisor regarding the accuracy of appellant’s allegations. OWCP afforded the employing establishment 30 days to submit the necessary information.

In an undated statement received by OWCP on January 6, 2025, appellant listed several dates in February 2022 on which she had occupational stress while working for the employing establishment. She maintained that occupational stress caused her heart palpitations, shortness of breath, headaches, and constipation, and had aggravated her anxiety disorder. Appellant asserted that the causes of her injury were “a heavy workload and conflicts with management” and alleged that the employing establishment improperly denied her five requests for reasonable accommodation. She reported that she felt pressure to handle her workload of 30 cases per month, a task which she believed she could not carry out due to her absences from work which were related to occupational stress. Appellant advised that she did not have time to complete 30 cases per month and therefore she had several conflicts with management. She indicated that she “feared job insecurity” and related that she had to get the union involved after management attempted to place her on absent without leave (AWOL) status.

Appellant submitted additional medical evidence.

In statements received on January 14 and 30, 2025, appellant provided clarification regarding specific dates she went to the emergency room in early-2022 and indicated that she could not remember the exact number of times she requested reasonable accommodation. She also submitted additional medical evidence.

By decision dated April 21, 2025, OWCP denied appellant's claim for a work-related emotional/stress-related condition sustained in the performance of duty, finding that she had not established a compensable employment factor. It concluded, therefore, that she had not established an injury as defined by FECA.

On June 10, 2025 appellant requested reconsideration of the April 21, 2025 decision. In an undated statement, she again reported that several of her reasonable accommodation requests had been denied. Appellant asserted that the work environment aggravated her schizophrenia, anxiety, and depression, and that management placed her on AWOL status despite the fact that she had submitted medical evidence excusing her absences. She further noted that she also submitted FMLA paperwork and reasonable accommodation forms throughout her time at the employing establishment.

In a partially legible June 12, 2025 statement, appellant advised that the employing establishment denied her reasonable accommodation requests "several times in 2021, 2022, and 2023." She indicated that management placed her on AWOL status in 2023 and on other dates prior to 2023.

Appellant submitted e-mails documenting her reasonable accommodation requests in 2020, 2021, and 2022, along with e-mail inquiries regarding the status of her reasonable accommodation requests from the same period; an October 26, 2021 e-mail in which an employing establishment official notified appellant of the denial of a request for a shift change; an August 8, 2022 e-mail from appellant requesting disability retirement paperwork; an October 26, 2022 e-mail from an employing establishment official indicating that appellant had run out of FMLA leave and other e-mails from early-2023 regarding appellant's leave requests; a January 9, 2023 e-mail from an employing establishment official regarding possible placement of appellant on AWOL status; a January 11, 2023 e-mail in which appellant reported she was injured in a non-industrial car accident and was seeking chiropractic care and applying for disability retirement; and a March 20, 2023 e-mail in which appellant requested an explanation for a notice of absence she recently received.

Appellant continued to submit additional medical evidence.

Appellant also submitted factual evidence and medical reports which was previously of record.

In a June 23, 2025 letter, OWCP advised the employing establishment that appellant had filed a request for reconsideration of its April 21, 2025 decision. It provided her reconsideration request and the evidence submitted in conjunction with it. OWCP afforded the employing establishment 20 days to respond. No response was received.

By decision dated August 6, 2025, OWCP denied modification of its April 21, 2025 decision.

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, 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.³ 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.⁴

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.⁵

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.⁶ 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.⁷

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.⁸ Where, however, the evidence demonstrates that the employing establishment either erred or acted abusively in

² 5 U.S.C. § 8101 *et seq.*

³ *A.J.*, Docket No. 18-1116 (issued January 23, 2019); *Gary J. Watling*, 52 ECAB 278 (2001).

⁴ 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).

⁵ *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).

⁶ *Lillian Cutler*, 28 ECAB 125 (1976).

⁷ *A.E.*, Docket No. 18-1587 (issued March 13, 2019); *Gregorio E. Conde*, 52 ECAB 410 (2001).

⁸ *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.⁹

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.¹⁰ Mere perceptions of harassment are not compensable under FECA.¹¹

ANALYSIS

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

Appellant asserted that several emotional/stress-related conditions were caused or aggravated by her work. She maintained that she worked in a stressful work environment given her demanding workload and deadlines and noted that she was unable to perform her work duties on a regular basis due to stress and her mental health. Appellant reported that she felt pressure to handle her workload of 30 cases per month, a task which she believed she could not carry out due to her absences from work which were related to occupational stress. She alleged that she also had stress because her problems with performing her work duties caused conflicts with her managers. Appellant further claimed that the employing establishment improperly denied her multiple reasonable accommodation requests, mishandled leave requests, and wrongly placed her on AWOL status. She provided a response to OWCP's December 23, 2024 development letter, along with supporting documentation relating to her claimed employment factors.

OWCP sent the employing establishment a December 23, 2024 development letter with a detailed series of questions to be answered. The record reflects that the employing establishment did not respond to OWCP's request, and there is no indication that the letter was returned as undeliverable.¹²

OWCP's procedures provide that, when developing emotional condition claims, the claims examiner must obtain from the claimant, agency personnel and others, such as witnesses to the incident, a statement relating in detail exactly what was said and done.¹³ It also provides that in certain types of claims, such as a stress claim, a statement from the employer is

⁹ *L.R.*, Docket No. 23-0925 (issued June 20, 2024); *M.A.*, Docket No. 19-1017 (issued December 4, 2019).

¹⁰ 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).

¹¹ *Id.*

¹² In the absence of evidence to the contrary, it is presumed that a notice mailed in the ordinary course of business was received in due course by the intended recipient. This presumption is commonly referred to as the mailbox rule. It arises when the record reflects that the notice was properly addressed and duly mailed. See *J.H.*, Docket No. 20-0785 (issued October 23, 2020); *Kenneth E. Harris*, 54 ECAB 502 (2003) (under the mailbox rule, a document mailed in the ordinary course of the sender's business practices to the addressee's last known address is presumed to be received by the addressee).

¹³ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Performance of Duty*, Chapter 2.804.17(j) (July 1997).

imperative to properly develop and adjudicate the claim.¹⁴ Accordingly, OWCP shall obtain a response from the employing establishment to the allegations of stressful work conditions and any additional relevant evidence or argument.¹⁵

It is well established that, proceedings under FECA are not adversarial in nature, and while appellant has the burden to establish entitlement to compensation, OWCP shares responsibility in the development of the evidence, particularly when such evidence is of the character normally obtained from the employing establishment or other government source.¹⁶ OWCP has an obligation to see that justice is done.¹⁷

For these reasons, the case shall be remanded to OWCP for further development of the evidence regarding appellant's claim for a work-related emotional/stress-related condition. On remand, OWCP shall request that the employing establishment sufficiently respond to its December 23, 2024 development letter and provide relevant information regarding appellant's specific allegations.¹⁸ After this and other such further development as deemed necessary, OWCP shall issue a *de novo* decision.

CONCLUSION

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

¹⁴ *Id.* at Chapter 2.800.7(a)(2) (June 2011).

¹⁵ See *C.A.*, Docket No. 23-1056 (issued January 30, 2024); *L.O.*, Docket No. 22-1266 (issued June 8, 2023); *A.F.*, Docket No. 20-1635 (issued June 9, 2022); *P.K.*, Docket No. 21-0967 (issued December 3, 2021).

¹⁶ *R.A.*, Docket No. 17-1030 (issued April 16, 2018); *K.W.*, Docket No. 15-1535 (issued September 23, 2013). See e.g., *M.G.*, Docket No. 18-1310 (issued April 16, 2019); *Walter A. Fundinger, Jr.*, 37 ECAB 200, 204 (1985); *Dorothy L. Sidwell*, 36 ECAB 699, 707 (1985); *Michael Gallo*, 29 ECAB 159, 161 (1978); *William N. Saathoff*, 8 ECAB 769-71 (1956).

¹⁷ See *A.J.*, Docket No. 18-0905 (issued December 10, 2018); *William J. Cantrell*, 34 ECAB 1233, 1237 (1983); *Gertrude E. Evans*, 26 ECAB 195 (1974).

¹⁸ See *A.O.*, Docket No. 19-1612 (issued April 8, 2021) and *A.O.*, Docket No. 16-1779 (issued November 22, 2017); *S.L.*, Docket No. 19-0387 (issued October 1, 2019) and *S.L.*, Docket No. 17-1780 (issued March 14, 2018).

ORDER

IT IS HEREBY ORDERED THAT the April 21 and August 6, 2025 decisions of the Office of Workers' Compensation Programs are set aside and the case is remanded for further proceedings consistent with this decision of the Board.

Issued: December 19, 2025
Washington, DC

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

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

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