

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

### **FACTUAL HISTORY**

On November 29, 2024 appellant, then a 32-year-old customer care agent-tier 1, filed a traumatic injury claim (Form CA-1) alleging that he sustained anxiety, depression and panic attacks on November 4, 2024 due to stress arising while in the performance of duty. He stopped work on November 30, 2024. On the reverse of the form, Supervisor J.B., related that appellant felt that the requirements of his position were aggravating preexisting conditions of anxiety and depression. Specifically, repeated/sustained interactions with sometimes frustrated customers exacerbated his previously diagnosed conditions.

In a development letter dated December 9, 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 appellant 60 days to submit the necessary evidence.

Appellant completed the development questionnaire on December 26, 2024 and described his position noting that he was required to answer inbound calls to resolve customer issues or transfer the calls to the appropriate position. He explained that he found the brief interval between customer calls difficult. Appellant related that the limited time between calls made it difficult to process his emotions, that he was instructed not to mention a supervisor during his calls, and that customers were frequently angry or upset. He further related that the feeling of being timed, having no idea who the next caller would be or how they would approach the conversation caused panic attacks. Appellant noted that he performed the duties of the customer care agent for two months, and that his preexisting conditions were aggravated beginning in the middle of October 2024 when he began to perform his job duties unattended. He described his symptoms of difficulty breathing, racing heart rate, profuse sweating, crying, and an immense fear of his job duties. Appellant related that he was diagnosed with major depressive disorder in 2019 and continued to utilize medication in treatment of this condition. He determined that the aggravation of his diagnosed conditions occurred from repeated exposure which culminated on November 4, 2024 when he experienced a persistent anxiety/panic attack.

On September 22, 2019 Dr. Thimmiah Ramesh, a Board-certified internist, diagnosed major depressive disorder, recurrent, moderate. On May 31 and June 7, 2023 Eason Christal, a social worker, repeated this diagnosis.

In a January 8, 2025 follow-up letter, OWCP advised appellant that it had conducted an interim review and found that the evidence remained insufficient to establish his claim. It noted that he had 60 days from the December 9, 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.

In a development letter January 24, 2025, OWCP requested that the employing establishment provide additional information regarding appellant's claim, including comments from a knowledgeable supervisor. It afforded the employing establishment 30 days to provide the requested information.

OWCP subsequently received a series of reports dated December 2 through 17, 2024 from Dr. Richard Hammoud, a Board-certified internist, diagnosing anxiety disorder and depression.

On February 24, 2025 J.B. responded to the development letter and asserted that appellant was awarded the position of customer care agent on September 21, 2024. He began training on September 23, 2024 and began taking customer calls in the fourth week of training with a trainer present. Appellant began taking normal customer calls on October 19, 2024. He reported his challenges in adapting and J.B. offered additional supplementary coaching, tips, and strategies to handle difficult customers and call-placing strategies. J.B. provided appellant with referral information for the Employee Assistance Program (EAP), reminded him of the call handling techniques to defuse angry customers, and reminded him that he was allowed to disconnect the call if the customer was verbally abusive. He denied that agents were “timed” on calls or that there was a goal for handling a specific number of calls and asserted that appellant was encouraged not to rush through his calls to help with his pacing, reducing stress, and increasing his longevity in the role avoiding “burn out.” J.B. related, however, that once a call was completed the agent would receive another call within a period of less than one minute. He further related that appellant was experiencing panic attacks associated with underlying social anxiety due to the unpredictability of customer interactions and the expectations to achieve positive and professional interactions with customers. Appellant began working as a mail processing clerk on February 8, 2025.

By decision dated March 10, 2025, OWCP denied appellant’s claim, finding that the evidence of record was insufficient to establish a compensable employment factor. Thus, the requirements had not been met to establish an injury as defined by FECA.

On March 13, 2025 appellant requested reconsideration. He requested review of the medical evidence.

By decision dated March 14, 2025, OWCP denied appellant’s request for reconsideration of the merits of his claim, pursuant to 5 U.S.C. § 8128(a).

On March 19, 2025 appellant requested reconsideration. He provided a narrative statement asserting that the requirement that he take customer calls with limited time between interactions left no time for mental recovery between high-stress customer interactions. Appellant asserted that the employing establishment did not address the “relentless call turnover” which exacerbated his preexisting condition. He provided e-mails addressing his work duties and resulting anxiety attacks.

By decision dated April 2, 2025, OWCP denied appellant’s request for reconsideration of the merits of his claim, pursuant to 5 U.S.C. § 8128(a).

### **LEGAL PRECEDENT -- ISSUE 1**

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 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

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

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.<sup>3</sup> 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.<sup>4</sup>

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.<sup>5</sup>

Workers' compensation law does not apply to each and every injury or illness that is somehow related to an employee's employment.<sup>6</sup> 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.<sup>7</sup> On the other hand, the disability is not covered when 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.<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. However, the Board has held that where the evidence establishes error or abuse on the part of the employing establishment in what would otherwise be an administrative matter, coverage will be afforded.<sup>9</sup> In determining

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<sup>3</sup> *S.Z.*, Docket No. 20-0106 (issued July 9, 2020); *A.J.*, Docket No. 18-1116 (issued January 23, 2019); *Gary J. Watling*, 52 ECAB 278 (2001).

<sup>4</sup> 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); *Michael E. Smith*, 50 ECAB 313 (1999).

<sup>5</sup> *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).

<sup>6</sup> *T.G.*, Docket No. 19-0071 (issued May 28, 2019); *L.D.*, 58 ECAB 344 (2007); *Robert Breeden*, 57 ECAB 622 (2006).

<sup>7</sup> *Lillian Cutler*, 28 ECAB 125 (1976); *L.H.*, Docket No. 18-1217 (issued May 3, 2019); *Trudy A. Scott*, 52 ECAB 309 (2001).

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

<sup>9</sup> *O.G.*, Docket No. 18-0359 (issued August 7, 2019); *D.R.*, Docket No. 16-0605 (issued October 17, 2016); *William H. Fortner*, 49 ECAB 324 (1998).

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.<sup>10</sup>

### **ANALYSIS -- ISSUE 1**

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

Appellant attributed his emotional/stress-related condition, to a *Cutler*<sup>11</sup> factor. Specifically, he alleged that he was required to answer calls from possibly irate customers with limited time between these calls.<sup>12</sup> J.B., appellant's supervisor, confirmed that once a call was completed the agent would receive another call within a period of less than one minute. He further related that appellant was subjected to unpredictability in customer interactions and the expectations to achieve positive and professional interactions with customers. J.B. also provided appellant with EAP referral information. The Board has held that conditions related to stress from situations in which an employee was performing his or her regular or specially assigned duties are compensable.<sup>13</sup> The evidence of record demonstrates the challenges that appellant faced when performing his regular assigned duties. The Board thus finds that he has established a compensable work factor under *Cutler*.<sup>14</sup>

As OWCP found that there were no compensable employment factors, it did not analyze or develop the medical evidence. Accordingly, the Board shall remand the case for consideration of the medical evidence with regard to whether appellant has established an emotional/stress-related condition in the performance of duty causally related to the compensable employment factor. 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.<sup>15</sup>

### **ORDER**

**IT IS HEREBY ORDERED THAT** the March 10, 2025 decision of the Office of Workers' Compensation Programs is set aside, and the case is remanded for further proceedings

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<sup>10</sup> *B.S.*, Docket No. 19-0378 (issued July 10, 2019); *Ruth S. Johnson*, 46 ECAB 237 (1994).

<sup>11</sup> *Supra* note 7.

<sup>12</sup> *Supra* note 3; *see also J.A.*, Docket No. 25-0237 (issued May 14, 2025).

<sup>13</sup> *Supra* note 7; *see also K.W.*, Docket No. 22-0877 (issued February 5, 2025).

<sup>14</sup> *Id.* *See also C.F.*, Docket No. 20-1070 (issued August 9, 2023); *S.M.*, Docket No. 14-0224 (issued April 23, 2014); *C.C.*, Docket No. 12-0810 (issued September 6, 2012).

<sup>15</sup> In view of the Board's disposition of Issue 1, Issue 2 is rendered moot.

consistent with this decision of the Board. The March 14 and April 12, 2025 decisions of the Office of Workers' Compensation Programs are set aside as moot.

Issued: December 30, 2025  
Washington, DC

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

Janice B. Askin, Judge  
Employees' Compensation Appeals Board

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