

properly denied appellant's request for reconsideration of the merits of her claim, pursuant to 5 U.S.C. § 8128(a).

FACTUAL HISTORY

On March 5, 2025 appellant, then a 52-year-old supervisor of customer services, filed an occupational disease claim (Form CA-2) alleging that she developed hypertensive disorder, acute stress disorder, panic attacks, and post-traumatic stress disorder (PTSD) due to factors of her federal employment, including verbal abuse. She noted that she first became aware of her condition and realized its relation to her federal employment on November 13, 2024. Appellant stopped work on November 13, 2024.³

In an undated narrative statement received on March 5, 2025, appellant alleged that on November 13, 2024, D.B., her supervisor, subjected her to harassment and discrimination, disrespected her, and used vulgar language when he asked her on the workroom floor if she had a daughter that worked with her at the Southwest Carrier Annex (SWCA). When she responded "yes," he became verbally abusive towards her, began yelling, and asked why she never said anything. Appellant asserted that she asked D.B. to stop yelling and harassing her, and that he then proceeded out of the building and stated that he was not done with her, causing her to cry and become scared, nervous, and upset. She reported that S.M., a manager, was also a witness to some of the events that took place. Appellant alleged that D.B. sent text messages to herself and S.M. about moving her out of her current station. She reported that on November 25, 2024 D.B. notified her that he would be placing her at a different station, called her a liar, and used vulgar language towards her. Appellant indicated that D.F., a supervisor, also experienced similar harassment. She reported that on December 18, 2024 D.B. instructed her that he would be moving her to a different station. When appellant asked if D.B. could put it in writing, he got upset and began yelling insults at her, causing her to start crying. She indicated that at approximately 10:30 a.m. on December 18, 2024 she received a call from D.B. who yelled at her using vulgar language. Appellant believed that he was attempting to put her in an unsafe environment and related that this caused her to be terrified, scared, and fearful of him and the carriers. She indicated that D.B. told her "to get off the clock" and end her tour at SWCA. Appellant reported that she was crying and had chest pains from an anxiety attack when she left work, and that she immediately sought medical treatment which resulted in her physician referring her to a psychiatrist.

In support of her claim, appellant submitted additional factual and medical evidence including a statement dated December 18, 2024, undated text messages from D.B., and a January 24, 2025 employing establishment report documenting that her tour ended at 10:45 a.m. on December 18, 2024.

In a statement dated December 18, 2024, appellant reported that D.B. called her at the SWCA at approximately 10:10 a.m. and asked her why she had not reported to the Auburn Park Station that morning as he instructed. She responded that she did not do so because she "didn't feel safe because of the report that someone reported to a carrier that I said her daughter works

³ Appellant reported that she initially filed a timely traumatic injury claim (Form CA-1) within 30 days but that her claim should have been filed using a Form CA-2, causing her to refile and resubmit her documents under the current claim, OWCP File No. xxxxxx964.

with her and she is [s]upervising without being on higher level.” Appellant alleged that D.B. became very angry and told her to end her tour and clock out and that she was not going to be paid. She indicated that his attempts to put her in a dangerous and unsafe environment caused her extreme stress and that she developed a severe headache, as well as chest pain and pain which extended from her chest down her arms. Appellant advised that since returning to work in September 2024, D.B. engaged in offensive and threatening conduct at the SWCA and other postal stations, including an instance when he yelled at another supervisor on the SWCA workroom floor. She asserted that this created a hostile environment for her and impacted her ability to successfully perform her daily work. Appellant reported that she filed an Equal Employment Opportunity (EEO) complaint for discrimination due to D.B.’s constant attacks against.

Appellant also submitted additional medical reports in support of her claim including a December 18, 2024 attending physician’s report (Form CA-20) from Kimberly Williams, a nurse practitioner; a December 23, 2024 progress report and work status note of even date from Dr. Kristina Johnson, Board-certified in family medicine; a December 26, 2024 attending physician report (Form CA-20), a work capacity evaluation psychiatric/psychological conditions (Form OWCP-5a) of even date, and a duty status report (Form CA-17) of even date from Patricia J. Andrise, Ph.D., a clinical psychologist; and a January 22, 2025 Form CA-20 report from Dr. Johnson.

In a January 20, 2025 statement, T.C., a National Association Postal Service (NAPS) officer, reported that on December 18, 2024 she received a call from appellant who was upset and stated that D.B. was at her office screaming and shouting at her and told her to punch off the clock and go home. T.C. noted that she attempted to call D.B. at approximately 12:00 p.m. on that date to discuss the incident that took place with appellant, but that during the conversation D.B. acted very unprofessionally, spoke loudly, and became hostile towards her after she expressed her opinion that he had violated appellant’s rights. She reported that D.B. became irate and slammed the telephone down, refused to answer her calls, and stated that she had better not call him again.

In a letter dated February 12, 2025, E.C., an employing establishment occupational health processing specialist, responded to OWCP’s January 16, 2025 questionnaire related to a December 18, 2024 date of injury under OWCP File No. xxxxxx933.⁴ She reported that the employing establishment concurred with appellant’s allegations and that D.B. was yelling and screaming through the telephone to appellant, noting that S.M. could hear this even though she was not on the telephone. E.C. reported that appellant had worked at the Auburn Park Station for years and she had been apprised that appellant believed the employees at the Auburn Park Station would retaliate against her because they tended to “stick together.”

In an April 8, 2025 development letter, OWCP informed appellant of the deficiencies of her claim. It advised her as to the type of factual and medical evidence required and provided a

⁴ The record reflects that on December 18, 2024 appellant filed a traumatic injury claim (Form CA-1) alleging that on that same date she sustained an emotional/stress-related condition when she was yelled at by her supervisor on the telephone to get off the clock while in the performance of duty. OWCP assigned the claim OWCP File No. xxxxxx933. By decision dated February 27, 2025, it denied appellant’s claim for an emotional/stress-related condition sustained in the performance of duty, finding that she had not established any compensable employment factors, and, thus, the requirements had not been met to establish an injury as defined by FECA.

questionnaire for her 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 comments from a knowledgeable supervisor regarding the accuracy of appellant's allegations. OWCP also requested that the employing establishment identify any agency employees who might have additional information regarding appellant's allegations and provide witness statements from such employees. It afforded the employing establishment 30 days for the submission of the requested information.

Appellant submitted additional medical evidence in support of her claim including a December 18, 2024 report and work status note from Ms. Williams documenting treatment for her condition. She further provided a December 26, 2024 Form CA-17 report and psychological evaluation reports dated December 26, 2024 through July 3, 2025 from Dr. Andrise documenting evaluation for a November 13, 2024 injury related to an incident at work. Appellant also submitted January 22 and February 12, 2025 progress reports from Dr. Johnson, and March 17 and April 16, 2025 reports from Dr. George Thomas, Board-certified in family medicine, noting treatment from December 23, 2024 through April 16, 2025 for intermittent headaches following a December 18, 2024 work incident.

In a statement dated April 30, 2025, D.F. noted that both he and appellant had been subjected to harassment and unprofessional behavior by D.B. in online meetings, through telephone conversations, and when he approached them on the workroom floor and verbally attacked them in the presence of other employees.

In a letter dated May 1, 2025, E.C. responded to OWCP's April 8, 2025 questionnaire related to the November 13, 2024 date of injury filed under the current claim. She identified S.M. as another witness to the incident who heard D.B. yelling and screaming through the telephone at appellant, noting that S.M. could hear this even though she was not on the telephone. E.C. indicated that appellant started crying and was instructed to end her tour and go home. She stated that appellant felt that the employees at the Auburn Park Station would retaliate against her because she used to work at that station previously for years. However, E.C. noted that she was not privy to what occurred at the Auburn Park Station.

In a statement received on May 8, 2025, appellant alleged that beginning in late 2024 she experienced repeated verbal abuse, intimidation, and threats from D.B. which created a hostile work environment that severely affected her mental and physical health. She described the December 18, 2024 employment incident at the SWCA when D.B. confronted her for not reporting to Auburn Park Station after explaining to him that she did not do so because she did not feel safe there. Appellant reported that D.B. became increasingly angry, shouted at her, and told her to clock out and that she would not be receiving pay. She indicated that his aggressive behavior caused her stress, chest pain, and tension in both arms which caused her blood pressure to rise and resulted in hearing loss in her right ear. Appellant noted that during the confrontation, she experienced symptoms consistent with acute stress, including the inability to speak coherently, crying, and feeling immobilized by fear which led to anxiety and hypervigilance. She reported that D.B.'s ongoing harassment also resulted in him sending inappropriate text messages to her and S.M.

Appellant subsequently submitted psychology session notes and Form CA-17 reports dated June 6 and July 3, 2025 from Dr. Andrise.

By decision dated July 18, 2025, OWCP denied appellant's claim for an emotional/stress-related condition sustained in the performance of duty, finding that she had not established any compensable employment factors, and, thus, the requirements had not been met to establish an injury as defined by FECA.⁵

Following OWCP's decision, appellant submitted an August 13, 2025 psychology session note and Form CA-17 report from Dr. Andrise documenting treatment for her conditions and restricting her from returning to work.

On August 22, 2025 appellant requested reconsideration. In support of her request, she submitted an August 17, 2025 report from Dr. Andrise documenting treatment for her conditions as a result of the alleged employment incidents.

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

LEGAL PRECEDENT -- ISSUE 1

An employee seeking benefits under FECA⁶ 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,⁷ 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.⁸ 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.⁹

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

⁵ On July 22, 2025 OWCP administratively combined the current claim, OWCP File No. xxxxxx964, with OWCP File No. xxxxxx933, with the latter designated as the master file.

⁶ *Supra* note 1.

⁷ *E.K.*, Docket No. 22-1130 (issued December 30, 2022); *F.H.*, Docket No. 18-0869 (issued January 29, 2020); *J.P.*, Docket No. 19-0129 (issued April 26, 2019); *Joe D. Cameron*, 41 ECAB 153 (1989).

⁸ *S.H.*, Docket No. 22-0391 (issued June 29, 2022); *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).

⁹ *E.H.*, Docket No. 22-0401 (issued June 29, 2022); *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).

evidence establishing that the accepted compensable employment factors are causally related to the diagnosed emotional condition.¹⁰

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.¹¹ 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.¹²

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.¹³ 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 or personnel matter, coverage will be afforded.¹⁴ In determining 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.¹⁵

To the extent that disputes and incidents alleged as constituting harassment are established as occurring and arising from an employee's performance of his or her regular duties, these could constitute employment factors.¹⁶ 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.¹⁷ Mere perceptions of harassment are not compensable under FECA.¹⁸

¹⁰ 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).

¹¹ *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).

¹² *A.E.*, Docket No. 18-1587 (issued March 13, 2019); *Gregorio E. Conde*, 52 ECAB 410 (2001).

¹³ See *G.R.*, Docket No. 18-0893 (issued November 21, 2018); *Andrew J. Sheppard*, 53 ECAB 170-71 (2001), 52 ECAB 421 (2001); *Thomas D. McEuen*, 41 ECAB 387 (1990), *reaff'd on recon.*, 42 ECAB 556 (1991).

¹⁴ See *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).

¹⁵ *B.S.*, Docket No. 19-0378 (issued July 10, 2019); *Ruth S. Johnson*, 46 ECAB 237 (1994).

¹⁶ *S.K.*, Docket No. 23-0655 (issued September 18, 2023); *D.B.*, Docket No. 18-1025 (issued January 23, 2019); *David W. Shirey*, 42 ECAB 783 (1991).

¹⁷ See *E.G.*, Docket No. 20-1029 (issued March 18, 2022); *S.B.*, Docket No. 18-1113 (issued February 21, 2019).

¹⁸ *S.L.*, Docket No. 19-0387 (issued October 1, 2019).

ANALYSIS -- ISSUE 1

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

The Board must initially review whether appellant's allegations constitute compensable employment factors under FECA.¹⁹ Appellant has not attributed her emotional/stress-related condition to the performance of her regularly or specially assigned duties under *Cutler*.²⁰ Rather, she has alleged that she sustained an emotional/stress-related condition as a result of error and abuse in administrative actions and personnel matters taken by the employing establishment, and as a result of harassment/discrimination committed by the employing establishment.

With respect to administrative/personnel matters, appellant alleged that D.B., her supervisor, and the employing establishment erred and acted abusively by transferring her to the Auburn Park Station, where she previously worked for years, as she believed that the employees and management at that station would retaliate against her. She also asserted that she believed that the transfer would place her in an unsafe environment. As noted above, 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 or personnel matter, coverage will be afforded.²¹ The Board has recognized that the assignment of a work location is an administrative function of the employer and, absent evidence of error or abuse, does not constitute a compensable employment factor.²² Appellant has not provided any corroborating evidence that the D.B. erred and acted abusively with respect to her transfer to the Auburn Park Station. Consequently, appellant has not established a compensable employment factor with regard to administrative/personnel matters.

With regard to appellant's allegations of harassment, appellant claimed that on December 18, 2024, D.B. called her at the SWCA, yelled at her over the telephone for not reporting to the Auburn Park Station as instructed by him on that date, and instructed her to clock out and go home as she would not be receiving pay. However, the Board has held that a raised voice in the course of a conversation does not, in and of itself, warrant a finding of verbal abuse.²³ For this reason, she has not established a compensable factor in this regard.

Appellant has also made general claims of harassment/discrimination by D.B., including that he sent inappropriate text messages to her and harassed her during online meetings and telephone calls. Additionally, she generally alleged that, on November 13, 2024, D.B. yelled, disrespected her, and used vulgar language when he asked her on the workroom floor if she had a

¹⁹ *P.G.*, Docket No. 25-0555 (issued June 20, 2025); *S.K.*, Docket No. 18-1648 (issued March 14, 2019); *Dennis J. Balogh*, 52 ECAB 232 (2001).

²⁰ *Supra* note 11.

²¹ *See supra* note 14.

²² *D.W.*, Docket No. 22-0639 (issued May 10, 2023); *Anita Martin*, Docket No. 02-1077 (issued November 12, 2002); *see also David M. Furey*, 44 ECAB 302, 306 (1992).

²³ *See R.H.*, Docket No. 25-0233 (March 4, 2025); *C.V.*, Docket No. 18-0580 (September 17, 2018); *R.L.*, Docket No. 17-0883 (May 21, 2018); *T.C.*, Docket No. 16-0755 (issued December 13, 2016).

daughter that worked with her at the SWCA. She further claimed that on November 25, 2024 D.B. called her a liar, and used vulgar language towards her. As noted above, 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. Mere perceptions of harassment are not compensable under FECA.²⁴ Appellant's allegations in this regard are vague.²⁵ Therefore, the Board finds that appellant has not established a compensable employment factor with respect to these claims of harassment and discrimination.

As appellant has not established a compensable employment factor under FECA, the Board finds that she has not met her burden of proof to establish an emotional/stress-related condition in the performance of duty, as alleged. Therefore, it is not necessary to consider the medical evidence of record.²⁶

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.

LEGAL PRECEDENT -- ISSUE 2

Section 8128(a) of FECA vests OWCP with discretionary authority to determine whether to review an award for or against compensation. The Secretary of Labor may review an award for or against compensation at any time on his or her own motion or on application.²⁷

To require OWCP to reopen a case for merit review pursuant to FECA, the claimant must provide evidence or an argument which: (1) shows that OWCP erroneously applied or interpreted a specific point of law; (2) advances a relevant legal argument not previously considered by OWCP; or (3) constitutes relevant and pertinent new evidence not previously considered by OWCP.²⁸

A request for reconsideration must be received by OWCP within one year of the date of OWCP's decision for which review is sought.²⁹ If it chooses to grant reconsideration, it reopens

²⁴ See *supra* notes 17 and 18.

²⁵ See *B.S.*, Docket No. 19-0378 (issued July 10, 2018).

²⁶ See *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).

²⁷ 5 U.S.C. § 8128(a); see *R.C.*, Docket No. 22-0612 (issued October 24, 2022); *M.S.*, Docket No. 19-1001 (issued December 9, 2019); *L.D.*, Docket No. 18-1468 (issued February 11, 2019); *V.P.*, Docket No. 17-1287 (issued October 10, 2017); *W.C.*, 59 ECAB 372 (2008).

²⁸ 20 C.F.R. § 10.606(b)(3); see *R.C.*, *id.*; *L.D.*, *id.*

²⁹ *Id.* at § 10.607(a). The one-year period begins on the next day after the date of the original contested decision. Federal (FECA) Procedure Manual, Part 2 -- Claims, *Reconsiderations*, Chapter 2.1602.4 (September 2020). Timeliness is determined by the document receipt date of the request for reconsideration as indicated by the received date in the Integrated Federal Employees' Compensation System (iFECS). *Id.* at Chapter 2.1602.4b.

and reviews the case on its merits.³⁰ If the request is timely, but fails to meet at least one of the requirements for reconsideration, OWCP will deny the request for reconsideration without reopening the case for review on the merits.³¹

ANALYSIS -- ISSUE 2

The Board finds that OWCP properly denied appellant's request for reconsideration of the merits of her claim, pursuant to 5 U.S.C. § 8128(a).

On August 22, 2025 appellant filed a request for reconsideration of a July 18, 2025 decision denying her occupational disease claim. However, she neither established that OWCP erroneously applied or interpreted a specific point of law, nor did she advance a relevant legal argument not previously considered by OWCP. Accordingly, appellant is not entitled to a review of the merits based on either the first or second above-noted requirements under 20 C.F.R. § 10.606(b)(3).³²

On reconsideration, appellant submitted psychology session notes dated August 13 and 17, 2025 and a Form CA-17 August 13, 2025 report from Dr. Andrise. However, this medical evidence is irrelevant to the underlying issue in this case which is factual in nature, *i.e.*, whether appellant has established any compensable employment factors in the performance of duty, as alleged. The Board has held that the submission of evidence, which does not address the particular issue involved does not constitute a basis for reopening a case.³³ Because appellant did not submit relevant and pertinent new evidence with her request for reconsideration, she was not entitled to a review of the merits based on the third requirement under 20 C.F.R. § 10.606(b)(3).³⁴

The Board, therefore, finds that appellant has not met any of the requirements of 20 C.F.R. § 10.606(b)(3). Pursuant to 20 C.F.R. § 10.608, OWCP properly denied merit review.

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish an emotional/stress-related condition in the performance of duty, as alleged. The Board further finds that OWCP properly denied appellant's request for reconsideration of the merits of her claim, pursuant to 5 U.S.C. § 8128(a).

³⁰ *Id.* at § 10.608(a); *see also M.S.*, 59 ECAB 231 (2007).

³¹ *Id.* at § 10.608(b); *M.S.*, Docket No. 19-0291 (issued June 21, 2019); *E.R.*, Docket No. 09-1655 (issued March 18, 2010).

³² *See L.W.*, Docket No. 21-0607 (issued October 18, 2022).

³³ *P.G.*, Docket No. 24-0404 (issued September 17, 2024); *C.C.*, Docket No. 22-1240 (issued June 27, 2023); *D.P.*, Docket No. 13-1849 (issued December 19, 2013); *Edward Matthew Diekemper*, 31 ECAB 224, 225 (1979).

³⁴ *See* 20 C.F.R. § 10.606(b)(3)(iii); *see also S.W.*, Docket No. 25-0261 (issued February 24, 2025).

ORDER

IT IS HEREBY ORDERED THAT the July 18 and September 5, 2025 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: April 29, 2026
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