

ISSUE

The issue is whether appellant has met her burden of proof to establish that she sustained an emotional/stress-related condition in the performance of duty, as alleged.

FACTUAL HISTORY

This case has previously been before the Board on a different issue.⁴ The facts and circumstances as set forth in the Board's prior decision are incorporated herein by reference. The relevant facts are as follows.

On December 28, 2023, appellant, then a 57-year-old auditor, filed an occupational disease claim (Form CA-2) alleging that she developed anxiety, depression, migraines, and post-traumatic stress disorder (PTSD) due to factors of her federal employment. She noted that she first became aware of her condition and realized its relationship to her federal employment on June 23, 2017. Appellant stopped work on August 9, 2019. On the reverse side of the claim form, the employing establishment noted that appellant was "fired by her own admission."⁵

On January 2, 2024, the employing establishment challenged appellant's claim, alleging that it was filed in an untimely manner.

In a development letter dated January 17, 2024, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of additional factual and medical information needed and provided a questionnaire for her completion. OWCP afforded appellant 60 days to submit the necessary evidence. In a development letter of even date, it requested that the employing establishment provide additional information regarding appellant's claim, including comments from a knowledgeable supervisor regarding the accuracy of her allegations. OWCP afforded the employing establishment 30 days to respond.

Appellant subsequently submitted additional evidence.

On February 2, 2024, the employing establishment responded to the January 17, 2024 development letter, asserting that appellant had not filed her claim within the three-year time frame.

By decision dated May 6, 2024, OWCP denied appellant's occupational disease claim, finding that it was untimely filed, pursuant to 5 U.S.C. § 8122(a).

Appellant subsequently requested reconsideration and submitted additional evidence.

By decisions dated August 5 and November 14, 2024, OWCP denied modification.

⁴ Docket No. 25-0488 (issued July 15, 2025).

⁵ OWCP assigned the present claim OWCP File No. xxxxxx911. Appellant has a prior occupational disease claim under OWCP File No. xxxxxx973, which OWCP accepted for asthma with acute exacerbation. OWCP has administratively combined appellant's claims, with OWCP File No. xxxxxx973 serving as the master file.

Appellant appealed to the Board. By decision dated July 15, 2025, the Board reversed OWCP's November 14, 2024 decision, finding that the claim was timely filed.⁶ The Board remanded the case for further development of the emotional/stress-related condition followed by a *de novo* decision.

By *de novo* decision dated September 17, 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 September 24, 2025, appellant requested reconsideration and submitted additional evidence.

By decision dated December 9, 2025, OWCP denied modification.

LEGAL PRECEDENT

An employee seeking benefits under FECA 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,⁷ that the claim was timely filed within the applicable time limitation period of FECA, 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 a claim for an emotional 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 his or her emotional condition.¹⁰

Workers' compensation law does not apply to each and every injury or illness that is somehow related to an employee's employment. In the case of *Lillian Cutler*,¹¹ the Board explained that there are distinctions as to the type of employment situations giving rise to a compensable emotional condition arising under FECA. There are situations where an injury or

⁶ *Supra* note 3.

⁷ *K.R.*, Docket No. 20-0995 (issued January 29, 2021); *A.W.*, Docket No. 19-0327 (issued July 19, 2019); *S.B.*, Docket No. 17-1779 (issued February 7, 2018); *J.P.*, 59 ECAB 178 (2007); *Joe D. Cameron*, 41 ECAB 153 (1989).

⁸ *J.M.*, Docket No. 17-0284 (issued February 7, 2018); *R.C.*, 59 ECAB 427 (2008); *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

⁹ *J.B.*, Docket No. 20-1566 (issued August 31, 2021); *K.M.*, Docket No. 15-1660 (issued September 16, 2016); *L.M.*, Docket No. 13-1402 (issued February 7, 2014); *Delores C. Ellyett*, 41 ECAB 992 (1990).

¹⁰ *S.D.*, Docket No. 23-0898 (issued July 13, 2023); *R.B.*, Docket No. 19-0343 (issued February 14, 2020).

¹¹ 28 ECAB 125 (1976).

illness has some connection with the employment but nevertheless does not come within coverage of FECA.¹² When disability results from an emotional reaction to regular- or specially-assigned work duties, or to a requirement imposed by the employing establishment, the disability is deemed compensable.¹³

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.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

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.¹⁶ Mere perceptions of harassment are not compensable under FECA.¹⁷

ANALYSIS

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

Appellant alleged that she developed anxiety, depression, migraines, and PTSD due to factors of her federal employment. In a development letter of even date, it requested that the employing establishment provide additional information regarding appellant's claim, including comments from a knowledgeable supervisor. OWCP afforded the employing establishment 30 days to respond. The employing establishment responded, but merely asserted that appellant had not filed her claim within the three-year time frame. It did not address any of appellant's allegations with regard to her emotional/stress-related condition claim.

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.¹⁸ It also provides

¹² See *L.Y.*, Docket No. 21-0344 (issued June 15, 2023); *M.R.*, Docket No. 18-0305 (issued October 18, 2018); *Robert W. Johns*, 51 ECAB 136 (1999).

¹³ *A.C.*, Docket No. 18-0507 (issued November 26, 2018); *Pamela D. Casey*, 57 ECAB 260, 263 (2005); *Lillian Cutler*, *supra* note 11.

¹⁴ *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 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).

¹⁷ *Id.*

¹⁸ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Performance of Duty*, Chapter 2.804.17(j) (July 1997).

that in certain types of claims, such as a stress claim, a statement from the employer is imperative to properly develop and adjudicate the claim.¹⁹

Furthermore, 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.²⁰ OWCP has an obligation to see that justice is done.²¹

The case shall therefore be remanded for further development. On remand, OWCP shall obtain a response from the employing establishment with regard to the allegations which appellant alleges resulted in an emotional/stress-related condition.²² 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.

¹⁹ *Id.* at Chapter 2.800.7(a)(2) (June 2011).

²⁰ *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).

²¹ 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).

²² 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 December 9, 2025 decision of the Office of Workers' Compensation Programs is set aside and the case is remanded for further proceedings consistent with this decision of the Board.

Issued: April 14, 2026
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