

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

D.P., Appellant

and

**U.S. POSTAL SERVICE, OZONE PARK
CARRIER ANNEX POST OFFICE,
Brooklyn, NY, Employer**

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) **Docket No. 24-0198**
) **Issued: January 30, 2026**
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Appearances:
Appellant, pro se
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 December 19, 2023 appellant filed a timely appeal from a July 7, 2023 merit decision 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 March 23, 2021 appellant, then a 63-year-old mail handler, filed an occupational disease claim (Form CA-2) alleging that she sustained an emotional condition due to factors of her

¹ 5 U.S.C. § 8101 *et seq.*

federal employment. She noted that she first became aware of her condition on September 24, 2017, and realized its relation to her federal employment on September 1, 2019.²

In a March 24, 2021 statement, appellant related that after her 1997 employment injury in OWCP File No. xxxxxx809, she moved from Brooklyn, New York to Raleigh, North Carolina. In July 2017 she moved back to Brooklyn, New York after the employing establishment offered her a modified position at the Passport Call Center Office in Brooklyn, New York. Appellant alleged that the employing establishment knew when it offered and she accepted the modified position, that the Passport Call Center Office would be permanently closing. She related that when she first reported to work on September 11, 2017, D.B., her supervisor, told her that she would have never offered her the position had she known where appellant was moving from. Appellant alleged that she suffered a mental breakdown when, approximately two weeks later September 24, 2017, D.B. informed everyone that the Passport Call Center Office was permanently closing. She asserted that from September 24, 2017 onward, she lived with constant job insecurity as she never knew when her section would close or if she had a job. Appellant alleged that on March 17, 2018 the employing establishment informed her that her modified job assignment had ended, and she needed to provide updated medical documents for job placement. She also alleged that, on May 1, 2018, D.B. taunted her by telling her multiple times in front of D.B.-W., her coworker, that “nobody told you to move to NC.” Appellant stated that around May 30, 2018 she had to give up her apartment and move into her granddaughter’s room for eight months as she was on leave without pay (LWOP) because of OWCP’s lies and deceit and had no income and loss of personal property. She stated that on January 25, 2019 she began receiving wage-loss compensation again and moved back to Raleigh, North Carolina.

OWCP, in a development letter dated April 9, 2021, informed appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence needed and provided a questionnaire for her completion. OWCP afforded appellant 30 days to provide the requested information.

In an April 12, 2021 statement, appellant asserted that when she worked the modified position at the call center, Supervisor D.B. never provided an exact date on which the facility would close. Every three months the employees had to sign a Form 1723, which indicated that the job would last only for a specific period of time. Appellant related that this process put everyone on edge and that she had to leave the job several times due to stress. She noted that on May 1, 2018 she completed a request for absence due to stress after D.B. taunted her for relocating to North Carolina. Copies of appellant’s May 1, 2018 Request for or Notification of Absence for “stress” were received.

Coworker D.B.-W., in a May 26, 2018 witness statement, recounted the events of May 1, 2018, noting that she and appellant spoke together with Supervisor D.B. about the closing of the Passport Call Center. D.B.-W. related that when appellant was explaining her situation, Supervisor

² OWCP assigned the instant claim OWCP File No. xxxxxx787. Under OWCP File No. xxxxxx809, it accepted a June 23, 1997 traumatic injury claim (Form CA-1) for a lumbosacral joint sprain, displacement of lumbar intervertebral disc without myelopathy, and degeneration of lumbar or lumbosacral intervertebral disc. Appellant’s claims have not been administratively combined by OWCP.

D.B. told appellant multiple times that no one told her to move to North Carolina. She noted that appellant went home for the day and returned to work May 8, 2018.

In her April 12, 2021 letter, appellant indicated that her mental health treatment providers were M.B., a licensed professional counselor, and T.B., a nurse practitioner. OWCP received reports dated October 15, 2020 through January 11, 2021 and January 13, 2021 from M.B. and October 29 through December 23, 2020 reports from T.B., which discussed appellant's psychiatric evaluation and provided diagnoses.

OWCP also received appellant's May 30, 2018 statement regarding the circumstances of the Passport Call Center closure and implementation of an online system; a witness statement from D.B.-W. notarized on August 21, 2018; and appellant's January 17 and 22, 2019 letters, which alleged that OWCP's second opinion physician had improperly related that she could return to her date-of-injury position, which led to her relocation back to New York. A March 30, 2018 USPS Employee Assistance Program Statement of Understanding was also submitted.

By decision dated May 19, 2021, 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.

On May 18, 2022, appellant requested reconsideration. In support thereof, she submitted additional evidence. This included appellant's own statements of April 6, May 2 and 30, and June 1, 2018, and May 18, 2022; a May 17, 2018 letter signed by appellant and other coworkers affected by closure of the Passport Call Center, which noted that a class action suit would be filed; a May 18, 2018 information for pre-complaint counseling; a May 30, 2018 statement of grievance; an April 16, 2022 letter from the employing establishment, which directed her to report to duty immediately or submit satisfactory evidence substantiating her absence; and additional witness statements. In her May 18, 2022 statement, appellant essentially restated her previous allegations.

By decision dated August 2, 2022, OWCP denied modification of its May 19, 2021 decision.

On May 2, 2023, appellant requested reconsideration. In support thereof, she submitted statements dated February 12, 2023, pertaining to her other OWCP case. Appellant also submitted correspondence from her union, pertaining to her attendance forms, and copies of attendance forms for the years 2016-2022.

By decision dated July 7, 2023, OWCP denied modification of the August 2, 2022 decision.

LEGAL PRECEDENT

An employee seeking benefits under FECA³ has the burden of proof to establish the essential elements of his or her claim,⁴ including that he or she sustained an injury in the performance of duty, and that any specific condition or disability from work for which he or she claims compensation is causally related to that 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 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.⁷

Workers' compensation law does not apply to each and every injury or illness that is somehow related to an employee's employment.⁸ 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.⁹ 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.¹⁰

Administrative and personnel matters, although generally related to the employee's employment, are administrative functions of the employer rather than the regular or specially

³ *Supra* note 1.

⁴ *S.S.*, Docket No. 19-1021 (issued April 21, 2021); *O.G.*, Docket No. 18-0359 (issued August 7, 2019); *J.P.*, 59 ECAB 178 (2007); *Joseph M. Whelan*, 20 ECAB 55, 58 (1968).

⁵ *A.M.*, Docket No. 21-0420 (issued August 26, 2021); *S.S., id.*; *G.T.*, 59 ECAB 447 (2008); *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

⁶ 20 C.F.R. § 10.115; *A.M., id.*; *R.S.*, Docket No. 20-1307 (issued June 29, 2012); *M.K.*, Docket No. 18-1623 (issued April 10, 2019); *Michael E. Smith*, 50 ECAB 313 (1999).

⁷ *See C.C.*, Docket No. 25-0573 (issued June 17, 2025); *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).

⁸ *D.P.*, Docket No. 25-0199 (issued February 20, 2025); *T.G.*, Docket No. 19-0071 (issued May 28, 2019); *L.D.*, 58 ECAB 344 (2007); *Robert Breeden*, 57 ECAB 622 (2006); *Lillian Cutler*, 28 ECAB 125, 129 (1976).

⁹ *L.H.*, Docket No. 18-1217 (issued May 3, 2019); *Trudy A. Scott*, 52 ECAB 309 (2001); *Lillian Cutler, id.*

¹⁰ *A.E.*, Docket No. 18-1587 (issued March 13, 2019); *Gregorio E. Conde*, 52 ECAB 410 (2001); *Lillian Cutler, id.*

assigned work duties of the employee and are not covered under FECA.¹¹ 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.¹² 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.¹³

ANALYSIS

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.¹⁴ Appellant has not attributed her emotional/stress-related condition to the performance of her regularly or specially assigned duties under *Cutler*.¹⁵ Rather, she has alleged that she sustained an emotional/stress-related condition as a result of administrative actions or personnel matters taken by the employing establishment.

Specifically, appellant alleged that the employing establishment offered her a job in a location in another state that it knew would be permanently closed. She asserted that she accepted the employing establishment's job offer and moved from North Carolina back to New York. Appellant started her modified position on September 11, 2017, but learned two weeks later that the Passport Call Center Office would be permanently closing. 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.¹⁶ Appellant has not provided any corroborating evidence that the employing establishment knew at the time it offered the modified job when the Passport Call Center Office would be permanently closing. Thus, she has not shown error or abuse by the employing establishment with respect to its offer of modified employment. Consequently, appellant has not established a compensable employment factor in this regard.

Appellant also alleged that D.B. told appellant multiple times during a May 1, 2018 discussion about the closing of the Passport Call Center Office that no one told her to move to North Carolina. However, this statement by D.B. alone does not arise to the level of error or abuse

¹¹ *Thomas D. McEuen*, 41 ECAB 387 (1990), *reaff'd on recon.*, 42 ECAB 556 (1991).

¹² *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).

¹³ *B.S.*, Docket No. 19-0378 (issued July 10, 2019); *Ruth S. Johnson*, 46 ECAB 237 (1994).

¹⁴ *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).

¹⁵ *Supra* note 10.

¹⁶ *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).

on the part of the supervisor.¹⁷ Thus, appellant has not established a compensable employment factor in this regard.

Appellant further alleged that the employing establishment improperly handled her leave requests. The Board, however, has held that leave use and attendance matters are administrative functions of the employer.¹⁸ Appellant has not shown error or abuse in the handling of her leave requests. Therefore, she has not established a compensable factor in this regard.

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.

As the Board finds that appellant has not established a compensable employment factor, it is not necessary to consider the medical evidence of record.¹⁹

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 her burden of proof to establish an emotional/stress-related condition in the performance of duty, as alleged.

¹⁷ See *B.S.*, Docket No. 25-0431 (issued May 21, 2025); *S.B.* Docket No. 24-0774 (issued September 25, 2024) (every statement uttered in the workplace does not arise to coverage under FECA).

¹⁸ See *B.J.*, Docket No. 23-1079 (issued March 14, 2024); *M.C.*, Docket No. 20-1051 (issued May 6, 2022); *R.B.*, Docket No. 19-0343 (issued February 14, 2020); *C.T.*, Docket No. 08-2160 (issued May 7, 2009). See also *L.N.*, Docket No. 22-0126 (issued June 15, 2023); *M.C.*, Docket No. 18-0585 (issued February 13, 2019); see also *Janet I. Jones*, 47 ECAB 345, 347 (1996), *Jimmy Gilbreath*, 44 ECAB 555, 558; *Joseph C. DeDonato*, 39 ECAB 1260, 1266-67 (1988).

¹⁹ 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).

ORDER

IT IS HEREBY ORDERED THAT the July 7, 2023 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: January 30, 2026
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