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A.O., Appellant	)	
	)	
and	)	Docket No. 26-0266
	)	Issued: June 10, 2026
U.S. POSTAL SERVICE, NILES POST OFFICE,	)	
Niles, IL, Employer	)	
	)	
	)	

Case Submitted on the Record

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

On January 16, 2026 appellant filed a timely appeal from a December 4, 2025 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.

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.

On July 18, 2025 appellant, then a 36-year-old customer service supervisor, filed an occupational disease claim (Form CA-2) alleging that she developed anxiety, depression, and post-traumatic stress disorder (PTSD) due to factors of her federal employment. She noted that she first

¹ 5 U.S.C. § 8101 *et seq.*

became aware of her condition and realized its relation to her federal employment on June 25, 2025. On the reverse side of the claim form, the employing establishment contended that appellant had not provided sufficient evidence to establish fact of injury or performance of duty.

In support of her claim, appellant submitted an undated narrative statement received on June 25, 2025, asserting that she was approached by M.P., an aggressive carrier, in a hostile and threatening manner which he repeatedly displayed through intimidation tactics, yelling, screaming, and calling her out on the workroom floor in front of others. She asserted that she repeatedly reported M.P.'s conduct to her manager, W.C., and described the negative impact on her mental health, anxiety, PTSD, and depression, which were aggravated by workplace stress and harassment. Appellant asserted that management had taken no action to address or prevent the hostile behavior. She further reported putting in a request to management to transfer her assignment to Northtown Station for safety reasons, but her request was denied and she was instructed to return to the employing establishment where the harassment continued. Appellant also alleged that W.C. disclosed her private medical information to another manager at Northtown Station, which was then discussed among the staff, causing appellant further distress. She indicated that she informed a manager that her financial hardship impacted her ability to work and that this information was subsequently used to retaliate against her, resulting in a reassignment to an even farther location than requested. Appellant asserted that she refused to engage in unethical practices at the employing establishment and Northtown Station, including falsely scanning packages, hiding mail, and refusing to record delayed mail and believed this led to retaliation by management. She also reported that she was accused of dressing inappropriately and that management refused to sign her sick leave forms causing denial of her leave and reduction of pay. Appellant indicated that she feared speaking out due to potential retaliation resulting in ongoing mental health issues, job insecurity, denial of sick leave, and financial hardship. She noted that she was currently not working.

In a July 28, 2025 development letter, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence needed to establish her claim and provided a questionnaire for her completion. OWCP afforded appellant 60 days to submit the necessary evidence.

Appellant subsequently submitted additional factual and medical evidence, including an August 13, 2025 medical report from Dr. Shyam Patel, an osteopathic Board-certified internist, noting an August 7, 2025 office visit. Dr. Patel indicated that she had a history of generalized anxiety, panic and major depressive disorders, and had been experiencing increasingly frequent panic attacks, difficulty sleeping, and a depressed mood. He opined that appellant's symptoms stemmed from a hostile work environment.

OWCP also received several undated statements. In a statement received on August 22, 2025, appellant described various instances from January through June 2025 where she was harassed by M.P., including on January 29, May 20, June 13, and June 25, 2025. She noted that on January 29, 2025, M.P. responded to her in a hostile manner and stepped aggressively into her personal space while yelling at her as she feared that he was about to physically harm her. Appellant reported that on May 20, 2025, she approached M.P.'s vehicle to take pictures when he walked up to her and used profanities. She also alleged that on June 13, 2025 she instructed M.P. to complete forms and he began screaming at her on the workroom floor in front of other employees. Appellant reported that on June 25, 2025, he began screaming at her, brought back

undelivered mail, and threatened to have her removed from her job. She asserted that she requested assistance from management due to the pervasive harassment and hostile work environment who failed to take any action and further retaliated against her, causing her mental health to worsen and the inability to perform her job.

In a narrative statement, R.E., a coworker, reported that he had witnessed the January 29, 2025 interaction, when M.P. responded very aggressively and walked so close to appellant that she had to take a few steps backwards. He related that the movement of M.P. was so aggressive that he thought he might strike her.

A.T., an acting supervisor, also completed a statement where he reported that M.P. also spoke aggressively towards her on May 10, 2025. She further noted that on June 25, 2025 she received a call from appellant who was very upset as M.P. had threatened her informing her that he had gotten another employee removed and she was next. A.T. related that on July 10, 2025, M.P. began arguing with another carrier in front of management and told her he would slap her. She reported that while both carriers were sent home on emergency placement, M.P. was back at work on July 11, 2025 and continued to create a hostile work environment.

In a statement M.M., a coworker, reported that on June 13, 2025 she witnessed M.P. raise his voice at appellant and begin to act aggressively and belligerently. M.M. believed he was creating a hostile work environment.

In a September 15, 2025 development letter, OWCP requested that the employing establishment provide additional information regarding appellant's emotional condition claim, including comments from a knowledgeable supervisor, and provide witness statements from any agency employees who might have additional information regarding appellant's allegations. It included a series of questions regarding the specific facts and circumstances of appellant's allegations. OWCP afforded the employing establishment 30 days for the submission of the requested information.

In a letter dated October 24, 2025, L.H., an employing establishment occupational health processing specialist, responded to OWCP's September 15, 2025 development letter. She reported that the employing establishment concurred with appellant's allegations that her and M.P. had a verbal altercation. L.H. further reported that after speaking with M.P., management felt that appellant treated him differently than other employees who felt that he was being harassed by her. She further reported that appellant did notify W.C. about M.P.'s conduct but that as a supervisor, she had the authority to discipline M.P. for his actions. L.H. noted that appellant abandoned her position after being told she was dressed inappropriately, was subsequently reassigned to another facility, but went back to Northtown station without authorization. She further denied that management retaliated against her for her complaints and generally refuted the remainder of the claims brought forth.

By decision dated December 4, 2025, OWCP denied appellant's claim for an employment-related emotional/stress-related condition, finding that the evidence of record was insufficient to establish a compensable factor of employment. It concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

LEGAL PRECEDENT

An employee seeking benefits under FECA² 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,³ 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.⁴ 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.⁵

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.⁶

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 to a requirement imposed by the employment, the disability is deemed compensable.⁷ 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.⁸

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.⁹ However, the Board has

² *Id.*

³ *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).

⁴ *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).

⁵ *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).

⁶ *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).

⁷ *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).

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

⁹ *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).

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.¹⁰ 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.¹¹

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.¹² 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.¹³ Mere perceptions of harassment are not compensable under FECA.¹⁴

ANALYSIS

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

In a September 15, 2025 development letter, OWCP requested that the employing establishment provide additional information regarding appellant's emotional condition claim, including comments from a knowledgeable supervisor and witness statements from any agency employees who might have additional information regarding appellant's allegations. It included a series of questions regarding the specific facts and circumstances of appellant's allegations. OWCP afforded the employing establishment 30 days for the submission of the requested information. Although OWCP received a response from L.H., an occupational health processing specialist, she did not sufficiently answer the questions posed. Moreover, no additional witness statements were submitted by the employing establishment.

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.¹⁵ OWCP, however, failed to do so.¹⁶

¹⁰ 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).

¹¹ *B.S.*, Docket No. 19-0378 (issued July 10, 2019); *Ruth S. Johnson*, 46 ECAB 237 (1994).

¹² *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).

¹³ See *E.G.*, Docket No. 20-1029 (issued March 18, 2022); *S.B.*, Docket No. 18-1113 (issued February 21, 2019).

¹⁴ *S.L.*, Docket No. 19-0387 (issued October 1, 2019).

¹⁵ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Performance of Duty*, Chapter 2.804.17(j) (July 1997).

¹⁶ *L.S.*, Docket No. 18-1208 (issued April 30, 2020).

Proceedings under FECA are not adversarial in nature, nor is OWCP a disinterested arbiter.¹⁷ While the claimant has the burden of proof 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 governmental source.¹⁸

The case shall therefore be remanded for further development. On remand, OWCP shall obtain a sufficient response to its September 15, 2025 development letter. Following this and other such further development, it shall issue a *de novo* decision.

CONCLUSION

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

ORDER

IT IS HEREBY ORDERED THAT the December 4, 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: June 10, 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

¹⁷ See *D.P.*, Docket No. 25-0199 (issued February 20, 2025); *A.M.*, Docket No. 24-0849 (issued January 1, 2025); *L.S.*, Docket No. 18-1208 (issued April 30, 2020); *Phillip L. Barnes*, 55 ECAB 426 (2004).

¹⁸ *K.R.*, Docket No. 24-0651 (issued August 28, 2024); *J.M.*, Docket No. 23-0735 (issued January 4, 2024); *D.G.*, Docket No. 23-0628 (issued September 22, 2023); *A.F.*, Docket No. 20-1635 (issued June 9, 2022); *N.S.*, 59 ECAB 422 (2008).