

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

R.B., Appellant)	
)	
and)	Docket No. 25-0534
)	Issued: March 17, 2026
DEPARTMENT OF VETERANS AFFAIRS,)	
VETERANS BENEFITS ADMINISTRATION,)	
Washington, DC, Employer)	
)	

Appearances:
Margaret S. Bozgoz, for the appellant¹
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:
ALEC J. KOROMILAS, Chief Judge
JANICE B. ASKIN, Judge
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On May 9, 2025 appellant, through his representative, filed a timely appeal from a May 2, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP).² Pursuant to the

¹ In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; see also 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

² Appellant, through his representative, submitted a timely request for oral argument before the Board. 20 C.F.R. § 501.5(b). Pursuant to the Board's *Rules of Procedure*, oral argument may be held in the discretion of the Board. 20 C.F.R. § 501.5(a). In support of the oral argument request, appellant's representative asserted that oral argument should be granted because OWCP had failed to consider significant evidence. The Board, in exercising its discretion, denies appellant's request for oral argument because this matter requires an evaluation of the evidence required. As such, the arguments on appeal can be adequately addressed in a decision based on a review of the case record. Oral argument in this appeal would not serve a useful purpose. Therefore, the oral argument request is denied, and this decision is based on the case record as submitted to the Board.

Federal Employees' Compensation Act³ (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.⁴

ISSUE

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

FACTUAL HISTORY

This case has previously been before the Board.⁵ The facts and circumstances of the case as set forth in the Board's prior order are incorporated herein by reference. The relevant facts are as follows.

On September 4, 2018 appellant, then a 56-year-old management analyst, filed an occupational disease claim (Form CA-2) alleging that he developed post-traumatic stress disorder (PTSD) due to factors of his federal employment, including harassment and retaliation by his supervisor and the director of his work unit, and that his depression and anxiety conditions were aggravated by these factors. He indicated that he first became aware of his claimed conditions and their relation to his federal employment on August 14, 2018. Appellant stopped work on July 31, 2018.⁶ On the reverse side of the Form CA-2, V.J., appellant's immediate supervisor, indicated that the employing establishment was challenging the claim.

In an undated statement received by OWCP on September 11, 2018, appellant asserted that management harassed him beginning in 2016 and retaliated against him in 2018 after he questioned alleged discriminatory practices of a supervisor. He claimed that management wrongly delayed in deciding on a reasonable accommodation request he made in 2016 and improperly denied the request in 2018. Appellant advised that LaRay I. Price, Ph.D, an attending clinical psychologist, recommended reasonable accommodation to include transferring him away from V.J. and A.K., the director of his work unit, due to their harassment, retaliation, and abuse. He asserted that he was forced to use regular and sick leave while management developed an ineffective reasonable accommodation plan in contradiction of Dr. Price's advice. Appellant alleged that management improperly denied his requests for Family and Medical Leave Act (FMLA), administrative, and advanced sick leave, and forced him to return to work on June 18, 2018 under protest to avoid being fired.

Appellant asserted that when safety issues were raised with the employing establishment and the Occupational Safety and Health Administration (OSHA), both parties "turned their backs

³ 5 U.S.C. § 8101 *et seq.*

⁴ The Board notes that, following the May 2, 2025 decision, appellant submitted additional evidence to OWCP. However, the Board's *Rules of Procedures* provides: "The Board's review of a case is limited to the evidence in the case record that was before OWCP at the time of its final decision. Evidence not before OWCP will not be considered by the Board for the first time on appeal." 20 C.F.R. § 501.2(c)(1). Thus, the Board is precluded from reviewing this additional evidence for the first time on appeal.

⁵ *Order Remanding Case*, Docket No. 20-0619 (issued May 24, 2022).

⁶ Appellant retired from the employing establishment in April 2019.

as nobody took safety issues seriously.” He claimed that, after his June 2018 return to work, employing establishment officials, including V.J., A.K., and C.W., a human resources specialist and district manager for the employing establishment, declined to convene a meeting with Dr. Price, who had intended to inform them how the employing establishment’s reasonable accommodation plan would have adverse effects. Appellant alleged that on July 10, 2018 he was triggered and suffered an anxiety attack when V.J. forced herself into his cubicle without notice and attempted to train him on a one-on-one basis. He indicated that, at a July 30, 2018 meeting with V.J. and C.W., he suffered a panic attack while his current-representative discussed wrongdoing committed by management. He claimed that on July 31, 2018 he suffered a panic attack after V.J. ordered him into her office without his representative. Appellant went to the hospital after another panic attack on August 14, 2018 which was diagnosed as an acute ischemic attack. He asserted that on August 7, 2018 he received an improper notice of suspension and unsatisfactory mid-year performance evaluation.

Appellant submitted e-mails sent from January through August 2018 by himself and/or his representative to V.J. and A.K. and other employing establishment officials regarding such matters as his multiple requests for reasonable accommodation and his request to work for overtime pay on January 15, 2018, Rev. Dr. Martin Luther King Jr.’s Birthday. In several of these e-mails, appellant’s representative argued that the employing establishment ignored the recommendations of Dr. Price regarding reasonable accommodation. Appellant also submitted e-mails in which managers argued they had appropriately handled matters such as his request to work on January 15, 2018, and his requests for reasonable accommodation. In a January 11, 2018 e-mail to the employing establishment’s area lead personnel, an official of the employing establishment’s office of field operations indicated that overtime work would not be available on January 14, 2018, but would be available on January 15, 2018. In an e-mail sent to appellant later on the same date, V.J. advised that overtime work would not be available on January 15, 2018.

Appellant submitted a copy of performance appraisal standards he signed on November 21, 2017; a list of leave requests from 2018; March 20 and April 11, 2018 letters approving FMLA leave requests; March 26 and April 3, 2018 FMLA leave requests; an April 17, 2018 telework agreement; reasonable accommodation determinations regarding telework which were made by the employing establishment, dated from April 17 through August 29, 2018; documents from appellant relating to his reasonable accommodation requests; May 15 and August 9, 2018 statements in which appellant’s representative objected to reasonable accommodation determinations made by the employing establishment; August 2 and 7, 2018 e-mails from V.J. to appellant regarding his performance appraisal; an August 7, 2018 notice of significant performance deficiency; an August 7, 2018 notice of proposed suspension for failure to comply with a supervisor’s instructions on July 31, 2018; an August 16, 2018 request for advanced sick leave; a September 14, 2018 notice of suspension for five business days; documents from a 2018 Equal Employment Opportunity (EEO) complaint regarding claimed harassment and discrimination by management; a personal résumé; and a management analyst position description.

Appellant submitted medical evidence, including August 20 and September 28, 2018 reports wherein Dr. Price indicated that he suffered a transient ischemic attack on August 14, 2018 and diagnosed PTSD; major depressive disorder, recurrent, moderate; and generalized anxiety disorder. She advised that appellant’s condition had been exacerbated by “ongoing strife and negative work conditions from his current employer.” In October 26 and November 6, 2018 reports, Dr. Price opined that appellant’s medical condition was related to factors such as a hostile

work environment, unrealistic work demands, denial of reasonable accommodation, and harassment by supervisors. Appellant also submitted progress notes from January 2012 through October 2018 by Dr. Vivien To, a Board-certified family practice physician, Dr. Jyothi Racha, a Board-certified psychiatrist employed by the employing establishment, and Dr. Larry Swink, a Board-certified family practice physician.

In an undated statement received by OWCP on September 11, 2018, V.J. indicated that the employing establishment was challenging appellant's claim. She noted that appellant submitted an EEO complaint and requests for reasonable accommodation, but did not mention a work-related injury until August 30, 2018. In a September 21, 2018 statement, V.J. asserted that she properly excluded appellant's representative from a January 12, 2018 meeting between herself and appellant regarding work status for the federal holiday on January 15, 2018, Rev. Dr. Martin Luther King Jr.'s Birthday, a date for which overtime work was not available. She indicated that the presence of appellant's representative would have been improper due to confidentiality issues raised by the fact that she did not work for the employing establishment. V.J. asserted that appellant had significant work performance issues since March 2016 and indicated that he had his telework days at home increased from two to three days per week after an April 2018 reasonable accommodation determination.

In a development letter dated October 9, 2018, OWCP notified appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence needed and provided a questionnaire for his completion. In a separate development letter of even date, OWCP requested that the employing establishment provide additional information, including comments from a knowledgeable supervisor regarding appellant's allegations. It afforded both parties 30 days to respond.

Appellant submitted e-mails sent from December 2016 through August 2018 by himself and his representative to V.J. and A.K. and other employing establishment officials regarding such matters as requests for reasonable accommodation, requests for telework, and the July 12, 2018 meeting convened by V.J. Appellant also submitted a management analyst month review for January 2018; a leave request for the period January 12 to September 25, 2018 and other documents relating to leave requests; e-mails and other documents from 2018 discussing reasonable accommodation requests, including a May 15, 2018 document in which appellant's representative responded to the denial of a reasonable accommodation request; a February 8, 2018 memorandum by M.G., chief of program operations for the employing establishment's compensation services, and accompanying documents regarding an administrative fact-finding investigation M.G. conducted with respect to the January 12, 2018 meeting between appellant and V.J.; an August 22, 2018 letter from an OSHA official advising appellant that he did not have standing to make a whistleblower complaint with OSHA; excerpts from an employing establishment handbook regarding workplace safety; and a motion for discovery order dated October 10, 2018 and other documents from appellant's 2018 EEO complaint.

Appellant also submitted additional medical evidence in support of his claim, including a February 27, 2018 report by Dr. Racha; July 5, October 26, and November 6, 2018 reports by Dr. Price, and an October 4, 2018 report by Gina Waitt, a nurse practitioner.

In an October 23, 2018 statement, V.J. denied that the employing establishment had subjected appellant to harassment or discrimination, maintained that appellant had not been assigned any special projects, and advised that his work unit was fully staffed. She asserted that

the employing establishment had made multiple attempts to provide him with reasonable accommodation, including allowing flexible times for his tour of duty, approving FMLA leave, and increasing his telework days at home from two to three days per week. V.J. indicated that appellant's work unit experienced a surge in the inventory of cases due to a presidentially-mandated hotline that was established in October 2017, but noted that the work unit had been staffed with field employees and other additional personnel other than appellant who assisted by working overtime to manage the cases. V.J. discussed several actions taken due to appellant's conduct and performance issues, including a January 31, 2018 written reprimand for using a personal e-mail account to conduct official agency business, a July 31, 2018 discussion regarding an unsatisfactory mid-year performance evaluation, and a September 14, 2018 notice of suspension for five business days for failure to comply with supervisory instructions.

In a November 14, 2018 statement, the employing establishment maintained that any statements in Dr. Price's medical reports regarding appellant's work duties and conditions were solely based on appellant's representations to Dr. Price.

On December 19, 2018 OWCP received an October 24, 2018 statement in which appellant claimed that, on January 11, 2018, V.J. improperly denied his request to work overtime on January 15, 2018, Rev. Dr. Martin Luther King Jr.'s Birthday. He asserted that, on January 12, 2018, V.J. wrongly excluded his representative, who had been counseling him on ADA matters, from a meeting regarding his overtime request. Appellant alleged that, beginning January 19, 2018, V.J. and M.G. conducted an illegal internal fact-finding investigation against him regarding the January 12, 2018 meeting and his overtime work request. He claimed that, on January 31, 2018, V.J. improperly gave him a letter of reprimand for using his personal e-mail account to conduct employing establishment business and that, on February 2020, K.B., a human resources specialist with the employing establishment, deleted his 21 timely EEO claims. Appellant indicated that, in mid-February 2018, he spoke with management about the 2016 reasonable accommodation request that was lost and requested to have it reinstated, but that management failed to adequately address the matter. He alleged that, during a March 8, 2018 meeting, K.A., a human resources specialist with the employing establishment, improperly asked him to have Dr. Price change her clinical records. Appellant asserted that, on March 26, 2018, V.J. improperly called him into a meeting without proper ADA representation. He claimed that, on May 14, 2018, management ignored his updated EEO claim and improperly denied his request to use administrative leave. Appellant asserted that, on June 18, 2018, he was forced to return to work against his doctors' orders to avoid being terminated. He indicated that, on July 10, 2018, he experienced stress when V.J. "pushed herself" into his work cubicle and attempted to train him. Appellant advised that, during a July 31, 2018 meeting with V.J., she improperly denied his reasonable accommodation request and ordered him back to work. He reported suffering a panic attack and leaving the meeting after V.J. ordered him to stop recording the meeting on his mobile telephone.

On January 8, 2019 OWCP received e-mails from early-January 2019 in which appellant's representative discussed social media videos she and appellant produced regarding their allegations that the employing establishment engaged in fraud, waste, and abuse. It received a January 8, 2019 cover letter and timeline document in which J.L., a contractor for the employing establishment, discussed appellant's social media videos and various other matters relating to appellant, including disciplinary actions, leave usage, and reasonable accommodation requests.

In a January 15, 2019 statement, appellant provided further discussion of his claimed employment factors. The statement includes screenshots of documents imbedded within it, such as e-mails between appellant's representative and employing establishment officials. Appellant alleged that, in 2018, Dr. Racha altered the date on a medical document which she originally produced in 2016, and he asserted that Dr. Racha's action required him to restart the reasonable accommodation request process which he originally started in 2016. He claimed that, beginning in mid-2018, the employing establishment attempted to violate his civil rights and censor videos he had posted on social media regarding his work situation. Appellant asserted that M.G.'s fact-finding investigation in early-2018 contained false facts.

On January 22, 2019 OWCP received numerous documents related to appellant's claim that he had uncovered fraud that the employing establishment committed in connection with its handling of his EEO complaint and grievances he filed with the Office of Resolution Management (ORM), a subagency of the employing establishment. In a March 27, 2018 e-mail to appellant's representative, K.B. indicated that although appellant submitted reasonable accommodation paperwork in 2016, there was no evidence of a reasonable accommodation request having been approved at that time. K.B. noted deficiencies in appellant's current reasonable accommodation request. In an October 22, 2018 e-mail to multiple employing establishment officials, appellant's representative alleged that several ORM officials falsified documents in a manner which negatively affected the grievances appellant filed with ORM.

By decision dated March 8, 2019, OWCP denied appellant's claim for emotional/stress-related conditions, finding that he did not establish any compensable employment factors. It found that the evidence of record was insufficient to establish that the injury and/or events occurred as alleged. OWCP concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

On March 13, 2019 appellant requested an oral hearing before a representative of OWCP's Branch of Hearings and Review.

On July 26, 2019 OWCP received numerous documents dated from 2016 through 2018, including documents associated with EEO/ORM claims and grievances; performance evaluations; medical records; and e-mails sent by appellant and/or his representative to V.J. and A.K. and other employing establishment officials regarding such matters as requests for reasonable accommodation, and requests for telework. Appellant also submitted a July 25, 2019 document drafted by his representative, in which it was asserted that employing establishment managers, including V.J., A.K., and C.W., and authorities of several other government agencies engaged in corruption, fraud, waste, and abuse relating to his reasonable accommodation requests, leave requests, EEO/ORM claims/grievances, and other matters. The document contains imbedded screenshots of documents, many of which are illegible, including employing establishment records, news articles, a 2019 peace order obtained from the District Court of Maryland for Montgomery County by V.J. against appellant and his representative; a 2019 case in the U.S. District Court for the District of Columbia filed by appellant's representative against V.J. and several other employing establishment officials, and photographic images with associated handwritten commentary by appellant's representative.

During the hearing held on July 26, 2019, appellant testified that after V.J. became his immediate supervisor in August 2017, his performance standards were drastically changed, and friction between him and both V.J. and A.K. impacted his ability to perform his duties. Appellant's

representative testified that appellant filed a reasonable accommodation request in January 2016 to be allowed to telework and that thereafter he was granted reasonable accommodation in the form of telework privileges. The representative claimed that V.J. improperly denied appellant's request to change his telework schedule in October 2017 to avoid crowds from protests against the World Bank, and also wrongly denied a leave request made for November 27, 2017. She claimed that, on January 19, 2018, V.J. called appellant into her office and roughly demanded that he tell her "what's going on" with respect to the events of January 12, 2018. The representative alleged that in early-2018 the employing establishment retaliated against appellant for filing an EEO complaint and informed him that it had lost his 2016 reasonable accommodation request application and associated documents, including medical evidence. She asserted that V.J. improperly issued disciplinary actions to appellant as she was not authorized to issue letters of reprimand.

On September 4, 2019, OWCP received an August 29, 2019 statement in which appellant alleged that, starting in October 2017 he was having difficulties in meeting his production requirements. Appellant indicated that, prior to October 2017, his office documented all case inquiries in a particular database, but that his office was required to track all case inquiries in another database beginning in October 2017, and that it had to maintain the data in both databases for a period of 60 to 90 days. He indicated that the procedures for maintaining data in the second database constantly evolved and noted that several times in November and December 2017 his office started making entries in one manner, only to have the data entry procedures change multiple times in the following weeks. Appellant provided further discussion of his claimed employment factors pertaining to leave/overtime requests, reasonable accommodation requests, investigations, and disciplinary actions. OWCP also received additional medical reports by Dr. Price, Dr. Racha, and other medical providers.

In a September 5, 2019 statement, V.J. advised that the employing establishment did not concur with appellant's allegations of discriminatory practices. She asserted that appellant improperly reported during the July 26, 2019 hearing that he was granted a reasonable accommodation in the form of telework in 2016, but indicated that none of the employees placed under her supervision beginning in late-2017 was an active participant in a reasonable accommodation program. Rather, 90 percent of the staff was authorized two days of telework per week independent of a reasonable accommodation program. V.J. asserted that she never raised her voice to appellant and maintained that, on January 19, 2018, she did not roughly demand that he tell her "what's going on" with respect to the events of January 12, 2018. She indicated that she did not assign appellant any special projects/programs or apply any special standards which would have differentiated his work as a management analyst from that of any other management analysts in his work unit. V.J. stated that the employing establishment accommodated appellant by increasing his telework days at home from two to three days per week, allowing liberal use of leave, providing him two additional 15-minute breaks, and authorizing an emotional support animal for him in the workplace. She discussed disciplinary actions taken against appellant on January 31, March 27, July 31, and September 14, 2018, and maintained that they were appropriate.

On September 17, 2019 OWCP received a September 12, 2019 statement, co-signed by appellant and his representative, which challenged the statements that V.J. made in her September 5, 2019 statement. They asserted that J.L. acted in a manner which violated appellant's rights. Appellant also submitted additional documents concerning reasonable accommodation

requests, disciplinary actions, performance evaluations, investigatory actions, and other matters. In an undated document, he claimed that V.J. and her husband assaulted a process server and an accompanying driver in his presence on June 6, 2019, that V.J. lied about him during a June 2019 proceeding in U.S. District Court to fraudulently obtain a peace order against him and his representative, and that multiple employing establishment officials illegally accessed his medical files.

In a November 1, 2019 decision, OWCP's hearing representative vacated the March 8, 2019 decision and remanded the case to OWCP for further development. The hearing representative found that OWCP had not fully addressed the evidence of record, discussed specific work factors, or explained why the evidence was insufficient to establish compensability of the claimed factors under FECA. The hearing representative directed OWCP to review the evidence of record and identify whether the alleged factors constituted a compensable factor of employment, why any specific factor was or was not in the performance of duty, and whether any factor was or was not factually substantiated.

By *de novo* decision dated December 20, 2019, OWCP denied appellant's claim for emotional/stress-related conditions, finding that he did not establish a compensable employment factor. It found that the evidence submitted by appellant did not support that the injury and/or events occurred. OWCP concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

Appellant appealed to the Board and, by order remanding case dated May 24, 2022, the Board set aside OWCP's December 20, 2019 decision and remanded the case to OWCP for further development. The Board directed OWCP to make findings of fact as to whether the evidence of record established compensable employment factors and, following necessary development, to issue a *de novo* decision.⁷

By *de novo* decision dated July 25, 2022, OWCP denied appellant's claim for emotional/stress-related conditions, finding that he did not establish a compensable employment factor. It provided a discussion of his allegations that the employing establishment committed error and abuse with respect to administrative/personnel matters and that it subjected him to harassment and discrimination. However, OWCP found that the evidence submitted by appellant did not support that the injury and/or events occurred. It concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

In a July 28, 2022 statement, appellant and his representative advised that J.L. had been named as a defendant in a court case and claimed that J.L. lied on behalf of the employing establishment, which had no authority to hire her as a third-party contractor. They asserted that the employing establishment stole the medical records of appellant and his family and improperly e-mailed them to V.J.'s personal e-mail account. In a July 29, 2022 statement, appellant's representative claimed that the employing establishment sought to sabotage appellant's workers' compensation claim and his EEO complaint.

On August 1, 2022 OWCP received additional documents, including records from appellant's EEO claim, excerpts from an employing establishment handbook, e-mails from

⁷ *Supra* note 5.

appellant to multiple parties regarding the serving of V.J. with a summons, and documents regarding a 2019 case filed by the State of Maryland against appellant in the District Court of Maryland for Montgomery County for violating the peace order obtained by V.J. Appellant also submitted medical records, including a July 5, 2018 report by Dr. Price.

On August 3, 2022 appellant, through his representative, requested an oral hearing before a representative of OWCP's Branch of Hearings and Review.

Following a preliminary review, by decision dated September 9, 2022, OWCP's hearing representative set aside the July 25, 2022 decision and remanded the case to OWCP for further development. The hearing representative found that OWCP had not adequately made findings regarding appellant's claimed employment factors. The hearing representative directed OWCP to make detailed findings of fact as to whether the evidence of record established compensable employment factors and, following necessary development, to issue a *de novo* decision.

In a September 21, 2022 statement, V.J. described appellant's work duties and denied wrongdoing with respect to handling his leave and reasonable accommodation requests. On September 21, 2022 OWCP also received several e-mails from appellant's representative which were previously of record.

By *de novo* decision dated September 22, 2022, OWCP denied appellant's claim for emotional/stress-related conditions, finding that he did not establish a compensable employment factor. It further discussed appellant's claimed employment factors and found that the evidence submitted by appellant did not establish a compensable employment factor. OWCP concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

On September 27, 2022 appellant requested an oral hearing before a representative of OWCP's Branch of Hearings and Review.

Following a preliminary review, by decision dated July 11, 2024, OWCP's hearing representative set aside the September 22, 2022 decision and remanded the case to OWCP for further development, noting that OWCP failed to explain why certain claimed employment factors were non compensable. The hearing representative directed OWCP to make detailed findings of fact as to whether the evidence of record established compensable employment factors and, following necessary development, to issue a *de novo* decision.

By *de novo* decision dated December 2, 2024, OWCP denied appellant's claim for emotional/stress-related conditions, finding that he did not establish a compensable employment factor. It further discussed appellant's claimed employment factors and found that the evidence submitted by appellant did not establish a compensable employment factor. OWCP concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

OWCP received December 12, 15, and 18, 2024, and January 24 and 28, 2025 statements, each of which contained similar content, wherein appellant's representative alleged that the employing establishment and other government entities engaged in fraud, waste, and abuse. The statements were imbedded with screenshots of documents, some of which are illegible. OWCP also received medical reports, many of which had previously been submitted. In a January 31, 2025 statement, appellant discussed his medical condition, noting that he had depression, anxiety, and PTSD, and that his PTSD developed after V.J. denied his request to work overtime on

January 15, 2018. On February 1 and 14, 2025 OWCP received additional evidence, including documents related to an EEO complaint.

During the hearing held on March 5, 2025, appellant's representative further discussed appellant's claimed employment factors, alleging that the employing establishment improperly altered documents and accessed appellant's medical records, and retaliated against appellant for filing an EEO complaint and a case in U.S. District Court.

After the March 5, 2025 hearing, OWCP received a March 7, 2025 statement wherein appellant's representative alleged that the employing establishment and other government entities engaged in fraud, waste, and abuse. It also received additional administrative and medical documents, many of which were previously submitted.

On March 18, 2025 OWCP received a copy of the March 5, 2025 hearing transcript which contained handwritten annotations by appellant's representative. In a March 18, 2025 statement, appellant's representative further discussed appellant's claimed employment factors. Appellant submitted additional documents, many of which were illegible.

By decision dated May 2, 2025, OWCP's hearing representative affirmed the December 2, 2024 decision.

LEGAL PRECEDENT

An employee seeking benefits under FECA⁸ 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 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.⁹ 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.¹⁰

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.¹¹

Workers' compensation law does not apply to each and every injury or illness that is somehow related to an employee's employment. There are situations where an injury or an illness

⁸ 5 U.S.C. § 8101 *et seq.*

⁹ *A.J.*, Docket No. 18-1116 (issued January 23, 2019); *Gary J. Watling*, 52 ECAB 278 (2001).

¹⁰ 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); *see Michael E. Smith*, 50 ECAB 313 (1999).

¹¹ *See 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).

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.¹² On the other hand, the disability is not covered where 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.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.¹⁴ Where, however, the evidence demonstrates that the employing establishment either erred or acted abusively in discharging its administrative or personnel responsibilities, such action will be considered a compensable employment factor.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 appellant has not met his burden of proof to establish an emotional/stress-related condition in the performance of duty, as alleged.

As appellant alleged that he sustained a work-related emotional/stress-related condition, the Board must initially determine whether he has established a compensable employment factor under FECA. The Board notes that some of appellant's allegations directly relate to his regular or specially assigned duties pursuant to *Lillian Cutler*.¹⁸ Appellant has also alleged that the employing establishment committed error and abuse with respect to administrative/personnel matters, and that it subjected him to harassment and discrimination.

Appellant alleged that, beginning in October 2017, he was having difficulties in meeting his production requirements and that his office had to maintain two different databases for client information inputs for a period of 60 to 90 days beginning in October 2017. He asserted that several times in November and December 2017 his office started making entries in one manner, only to have the process change in the following weeks. The Board notes that appellant only made

¹² *Lillian Cutler*, 28 ECAB 125 (1976).

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

¹⁴ *See R.M.*, Docket No. 19-1088 (issued November 17, 2020); *Thomas D. McEuen*, 41 ECAB 387 (1990); *reaff'd on recon.*, 42 ECAB 556 (1991).

¹⁵ *L.R.*, Docket No. 23-0925 (issued June 20, 2024); *M.A.*, Docket No. 19-1017 (issued December 4, 2019).

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 *See Lillian Cutler*, *supra* note 12.

vague claims regarding the tasks that needed to be undertaken by his office, rather than providing a detailed account of his own duties. The Board finds that the evidence of record is not sufficient to establish a compensable employment factor under *Cutler* as appellant's allegations are not sufficiently detailed as to the time, place, or manner of the regular or specially assigned duties he was required to perform or of his inability to perform his work as assigned.¹⁹

Appellant also alleged that his supervisors, including V.J. and others, committed error and abuse with respect to administrative and personnel matters. He claimed that the employing establishment mishandled his reasonable accommodation requests; wrongly denied overtime, FMLA leave, administrative leave, and advanced sick leave requests; mismanaged his use of telework; issued him unwarranted disciplinary actions, mishandled his request for an OSHA investigation; wrongly accessed and handled his medical information; improperly conducted investigatory and training matters; mishandled EEO and ORM claims/grievances and his workers' compensation claim, issued him incorrect performance evaluations, and acted improperly with respect to supervisor-supervisee meetings. In particular, appellant asserted that V.J. wrongly denied his request to change a telework day in October 2017; wrongly prevented him from having his ADA representative present at meetings held on January 12, 2018 and other dates; improperly denied his request to work overtime on Rev. Dr. Martin Luther King Jr.'s Birthday on January 15, 2018; issued improper disciplinary actions between January and September 2018; and forced herself into his cubicle without notice and attempted to train him on a one-on-one basis on July 10, 2018. Moreover, he claimed that the employing establishment lost his 2016 reasonable accommodation request with its supporting documentation; conducted an illegal internal fact-finding investigation beginning January 19, 2018; forced him to return to work in June 2018 against his attending physician's recommendation; violated his civil rights beginning in mid-2018 by attempting to censor videos he had posted on social media; and used a medical report which was improperly altered by an employing establishment physician to support its denial of his 2018 reasonable accommodation request. Appellant also generally alleged that the employing establishment committed fraud, waste, and abuse.

Appellant, however, has not submitted evidence substantiating error or abuse committed by the employing establishment in the above-noted administrative and personnel matters. The employing establishment has denied appellant's claims regarding management wrongdoing in administrative/personnel matters, and V.J. has submitted multiple statements explaining her supervisory actions, including those relating to reasonable accommodation requests, leave requests, and disciplinary actions. Although appellant expressed dissatisfaction with the actions of several superiors, the Board has held that mere dislike or disagreement with certain supervisory actions will not be compensable absent error or abuse on the part of the supervisor.²⁰ The Board finds, therefore, that appellant has not established a compensable employment factor with respect to administrative or personnel matters.

Appellant also alleged harassment and discrimination by the employing establishment. He asserted that managers, particularly V.J. and A.K., subjected him to harassment and discrimination as a form of retaliation for filing an EEO complaint in early-2018. Appellant claimed that, on January 19, 2018, V.J. called him into her office and roughly demanded that he tell her "what's

¹⁹ See *E.B.*, Docket No. 17-1917 (issued June 26, 2018); *G.F.*, Docket No. 10-0363 (issued November 12, 2010).

²⁰ *T.C.*, Docket No. 16-0755 (issued December 13, 2016).

going on” with respect to a January 12, 2018 meeting and an overtime work request. He claimed that V.J. harassed him by assaulting a process server and an accompanying driver in his presence on June 6, 2019, and lied about him during a June 2019 proceeding in a U.S. District Court to fraudulently obtain a peace order against him and his representative. However, appellant did not submit witness statements or other documentary evidence demonstrating that the alleged harassment and discrimination occurred as alleged.²¹ His allegations are vague and unsubstantiated, and the employing establishment has denied committing harassment and discrimination, as alleged.²² 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, and mere perceptions of harassment are not compensable under FECA.²³ Therefore, the Board finds that appellant has not established a compensable employment factor with respect to the claimed harassment and discrimination.

As the Board finds that appellant has not established a compensable employment factor, it is not necessary to consider the medical evidence of record.²⁴

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

²¹ See *B.S.*, Docket No. 19-0378 (issued July 10, 2018).

²² See *E.C.*, Docket No. 25-0376 (issued April 21, 2025); *B.S.*, Docket No. 19-0378 (issued July 10, 2019).

²³ See *supra* notes 15 and 16.

²⁴ See *B.O.*, Docket No. 17-1986 (issued January 18, 2019); *Margaret S. Krzycki*, 43 ECAB 496, 502-03 (1992).

ORDER

IT IS HEREBY ORDERED THAT the May 2, 2025 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: March 17, 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