United States Department of Labor
Employees' Compensation Appeals Board

T.M., Appellant	)	
and	)	**Docket No. 26-0121**
U.S. POSTAL SERVICE, PLEASANT RIDGE ANNEX, Greensboro, NC, Employer	)	**Issued: September 30, 2026**

Appearances:
Appellant, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:
ALEC J. KOROMILAS, Chief Judge
PATRICIA H. FITZGERALD, Deputy Chief Judge
JANICE B. ASKIN, Judge

JURISDICTION

On September 15, 2025[1] appellant filed a timely appeal from an April 14, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP).[2] Pursuant to the Federal

[1] The 180th day following OWCP's April 14, 2025 decision was October 11, 2025. Since that fell on a Saturday, and Monday, October 13, 2025 was a federal holiday, appellant had until Tuesday, October 14, 2025 to timely file this appeal. 20 C.F.R. § 501.3(e)-(f). Because using October 20, 2025, the date the appeal was received by the Clerk of the Appellate Boards, would result in the loss of appeal rights, and the envelope attached to the appeal does not contain a postmark date or other carrier date marking, the Board finds that the date of appellant's signature, September 15, 2025 renders the appeal timely filed. *See* 20 C.F.R. § 501.3(f)(1); *see also*, *I.D.*, Docket No. 25-0372 (issued April 11, 2025).

[2] The Board notes that during the pendency of this appeal, OWCP issued a merit decision dated January 15, 2026 affirming the April 14, 2025 decision as modified. The January 15, 2026 decision is null and void as the Board and OWCP may not simultaneously exercise jurisdiction over the same underlying issue in a case on appeal. 20 C.F.R. §§ 501.2(c)(3), 10.626. *See e.g., M.C.,* Docket No. 18-1278 (issued March 7, 2019); *Lawrence Sherman,* 55 ECAB 359, 360 n.4 (2004); *Douglas E. Billings,* 41 ECAB 880 (1990).

Employees' Compensation Act[3] (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 her burden of proof to establish an emotional/stress-related condition in the performance of duty, as alleged.

FACTUAL HISTORY

On December 4, 2024 appellant, then a 50-year-old rural carrier associate, filed a traumatic injury claim (Form CA-1) alleging that on November 30, 2024 she developed an emotional/stress-related condition after the deaths of W.J., an employing establishment supervisor, and K.M., her coworker, while in the performance of duty. She noted that she lost both colleagues within a five-month span. On the reverse side of the claim form, L.B., an employing establishment manager, controverted the claim, contending that grief counselors were provided and that all employing establishment employees were equally impacted by the deaths. Appellant stopped work on December 4, 2024, and returned to work on December 16, 2024.

In a letter dated December 6, 2024, Marcellar Riddick, a licensed clinical addictions specialist, recommended that appellant remain off work until December 9, 2024.

In a December 9, 2024 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.

In a December 10, 2024 medical report, Dr. George Pantelankos, a primary care physician, noted that appellant related that she had been depressed since Thanksgiving, which she attributed, at least in part, to the deaths of her coworkers. He diagnosed persistent moderate depressive disorder and prescribed medication.

In a follow-up letter dated January 6, 2025, OWCP advised appellant that it had conducted an interim review, and the evidence remained insufficient to establish her claim. It provided a copy of the development questionnaire for her completion. OWCP noted that appellant had 60 days from the December 9, 2024 letter to submit the necessary evidence. It further advised that if the evidence was not received during this time, it would issue a decision based on the evidence contained in the record.

[3] 5 U.S.C. § 8101 *et seq.*

[4] The Board notes that, following the issuance of the April 14, 2025 decision, OWCP received additional evidence. However, the Board's *Rules of Procedure* 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. *Id.*

OWCP subsequently received a note dated December 17, 2024 wherein Dr. Pantelakos excused appellant from work for the period December 10 through 17, 2024 and indicated that she would be capable of returning to normal duties on December 18, 2024.

In response to OWCP's development questionnaire, appellant submitted statements dated January 16, 2025, which indicated that in June 2024 W.J. was found unresponsive on the floor of the employing establishment's women's bathroom. She called 911 and performed full chest compressions until emergency medical services (EMS) arrived. Appellant also indicated that she was present at work on November 30, 2024 when the employing establishment postmaster announced that K.M. had died on November 29, 2024 after being ejected from her postal vehicle during a motor vehicle accident (MVA). She repeatedly visualized K.M.'s accident, which interfered with her work performance. Two weeks later, another coworker, K.G., was also killed in an MVA while racing his vehicle after leaving a holiday party outside of work, which appellant indicated made it hard for her to focus on work. She described feeling restless, disinterested, stressed, and depressed and that she was "not fully ok mentally from these traumas."

In an attending physician's report (Form CA-20) dated January 28, 2025, Dr. Pantelakos noted that appellant "had [three] tragic deaths related to employees that she worked with in the span of [five] months." He diagnosed persistent depression and indicated that she was not disabled from work.

OWCP also received a leave request, which indicated that appellant would require time off from work to attend bi-weekly counseling sessions from December 4, 2024 through December 5, 2025.

On February 11, 2025 OWCP converted appellant's traumatic injury claim to an occupational disease claim.

In a March 5, 2025 development letter, OWCP requested that the employing establishment provide information regarding appellant's claim, including comments from a knowledgeable supervisor. It afforded the employing establishment 30 days to submit the requested information.

In a March 26, 2025 e-mail, L.B. indicated that appellant had no personal relationship with the three employees in the office who had passed away outside of performing her duties as a carrier and union steward. She noted that appellant's response may have been due to regret as she had pressured K.M. to change to the route that she ultimately was driving at the time of her death. L.B. related that appellant did perform cardiopulmonary resuscitation (CPR) on a supervisor who passed away, that grief counselors were onsite the next day, and that appellant spent four minutes with the counselor and continued to perform her duties without issue.

By decision dated April 14, 2025, OWCP denied appellant's emotional condition claim, finding that the evidence of record was insufficient to establish a compensable employment factor under FECA. 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 FECA[5] 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,[6] 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.[7] 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.[8]

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.[9]

Workers' compensation law does not apply to each and 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 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.[10] 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.[11]

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.[12] Where the evidence demonstrates that the employing establishment either erred, or acted abusively in discharging its

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[5] *Supra* note 2.

[6] *F.H.*, Docket No. 18-0869 (issued January 29, 2020); *J.P.*, Docket No. 19-0129 (issued December 13, 2019); *Joe D. Cameron*, 41 ECAB 153 (1989).

[7] *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).

[8] *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).

[9] *R.B.*, Docket No. 19-0343 (issued February 14, 2020).

[10] *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).

[11] *Lillian Cutler, id.*

[12] *D.T.,* Docket No. 19-1270 (issued February 4, 2020); *C.V.,* Docket No. 18-0580 (issued September 17, 2018); *Charles D. Edwards,* 55 ECAB 258 (2004).

administrative or personnel responsibilities, such action will be considered a compensable employment factor.[13]

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.[14] Mere perceptions of harassment are not compensable under FECA.[15] A claimant must substantiate allegations of harassment or discrimination with probative and reliable evidence.[16] Unsubstantiated allegations of harassment or discrimination are not determinative of whether such harassment or discrimination occurred.[17]

ANALYSIS

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

OWCP denied appellant's emotional condition claim on the grounds that she had not established a compensable employment factor. The Board must, thus, initially review whether these alleged incidents and conditions of employment are covered employment factors under the terms of FECA.[18]

Appellant attributed her emotional/stress-related condition to the performance of her regularly or specially assigned duties under *Cutler*.[19] Specifically, she alleged that she was in the performance of duty when, in June 2024, W.J. was found unresponsive on the floor of the employing establishment's women's bathroom. Appellant called 911 and performed full chest compressions until EMS arrived. The Board notes that appellant was reasonably in fear of W.J.'s safety, and that she became actively engaged in W.J.'s rescue.[20] The Board has held that conditions related to stress from situations in which an employee is trying to meet his or her position requirements are compensable.[21] The Board has further held that the scope of an employee's

[13] *C.V., id.*; *Kim Nguyen,* 53 ECAB 127 (2001). *Thomas D. McEuen,* 41 ECAB 387 (1990), *reaff d on recon.,* 42 ECAB 566 (1991).

[14] *S.B.,* Docket No. 18-1113 (issued February 21, 2019).

[15] *A.E.,* Docket No. 18-1587 (issued March 13, 2019); *M.D.,* 59 ECAB 211 (2007); *Jack Hopkins, Jr.,* 42 ECAB 818, 827 (1991).

[16] *See J.R.,* Docket No. 20-1382 (issued December 30, 2022); *L.J.,* Docket No. 20-0998 (issued December 14, 2022); *S.G.,* Docket No. 22-0495 (issued November 4, 2022); *J.F.,* 59 ECAB 331 (2008); *Robert Breeden,* 57 ECAB 622 (2006).

[17] *L.J. and S.G., id.*; *T.Y.*, Docket No. 19-0654 (issued November 5, 2019); *G.S.,* Docket No. 09-0764 (issued December 18, 2009); *Ronald K. Jablanski,* 56 ECAB 616 (2005); *Penelope C. Owens,* 54 ECAB 684 (2003).

[18] *S.K.,* Docket No. 18-1648 (issued March 14, 2019); *Dennis J. Balogh,* 52 ECAB 232 (2001).

[19] *Supra* note 14.

[20] *See L.R.,* Docket No. 23-0925 (issued June 20, 2024); *M.D.,* Docket No. 21-0379 (issued May 11, 2022); *M.J.,* Docket No. 20-0953 (issued December 8, 2021). *See also T.D.,* Docket No. 20-0153 (issued October 8, 2021).

[21] *M.D., id.*; *S.C.,* Docket No. 20-0603 (issued November 5, 2021); *S.S.,* Docket No. 21-0184 (issued July 14, 2021); *E.A.,* Docket No. 19-0582 (issued April 22, 2021); *T.S.,* Docket No. 20-1194 (issued April 14, 2021); *L.H.,* Docket No. 18-1217 (issued May 3, 2019); *Trudy A. Scott,* 52 ECAB 309 (2001); *Lillian Cutler, supra* note 10.

employment is impliedly extended in an emergency to include the performance of any act designed to save life or property in which the employer has an interest.[22] Thus, appellant has established a compensable employment factor in this regard.

As OWCP found that appellant had not established a compensable employment factor, it did not analyze or develop the medical evidence on the issue of causal relationship. Thus, the Board shall set aside OWCP's April 14, 2025 decision and remand the case for consideration of the medical evidence with regard to whether appellant has established an emotional/stress-related condition causally related to the compensable employment factor of finding W.J. unresponsive on the bathroom floor, contacting 911, and performing CPR on W.J. until EMS arrived in June 2024. 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.

ORDER

IT IS HEREBY ORDERED THAT the April 14, 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: September 30, 2026
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board

[22] *See L.R.*, Docket No. 23-0925 (issued June 20, 2024).