United States Department of Labor
Employees' Compensation Appeals Board

J.T., Appellant	)	
and	)	**Docket No. 26-0297**
	)	**Issued: September 3, 2026**
U.S. POSTAL SERVICE, POST OFFICE -- INTERNATIONAL, Miami, FL, Employer	)	

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
VALERIE D. EVANS-HARRELL, Alternate Judge

JURISDICTION

On February 4, 2026 appellant filed a timely appeal from a December 18, 2025 merit decision of the Office of Workers' Compensation Programs (OWCP). Pursuant to the Federal Employees' Compensation Act[1] (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 his burden of proof to establish an emotional/stress-related condition in the performance of duty, as alleged.

FACTUAL HISTORY

On June 27, 2025 appellant, then a 60-year-old personnel clerk, filed an occupational disease claim (Form CA-2) alleging that he developed severe emotional distress due to factors of his federal employment, including retaliation and reprisal for Equal Employment Opportunity (EEO) and whistleblowing activities. He explained that his position had been abolished and he

[1] 5 U.S.C. § 8101 *et seq.*

was forced into an involuntary bid for another job.[2] Appellant noted that he first became aware of his condition and realized its relation to his federal employment on June 11, 2025. He stopped work on June 11, 2025.

In accompanying narrative statements, appellant alleged that he had been subjected to retaliation by management since 2022 due to his EEO activity and whistleblower complaints resulting in stress-related injuries. He asserted that on June 11, 2025 his position was eliminated and he was relocated through a forced involuntary bid, causing severe emotional distress, mental anguish, anxiety, sleep deprivation, and sharp chest pains. Appellant alleged that the employing establishment failed to address the known harassment and retaliation he was subjected to from management, resulting in intentional and negligent infliction of mental and emotional distress.

In support of his claim, appellant submitted a July 1, 2025 medical report from Yolande Joseph, a nurse practitioner, documenting treatment for anxiety, depression, panic attacks, and insomnia after management retaliated against him by changing his schedule from the day shift to the night shift, and moving him to a different building.

In a letter dated July 2, 2025, the employing establishment controverted the claim asserting that appellant failed to submit rationalized medical evidence establishing an injury causally related to the factors of his federal employment.

In a July 2, 2025 development letter, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence needed to establish his claim and provided a questionnaire for his completion. OWCP afforded appellant 60 days to submit the necessary evidence.

In a July 7, 2025 response to OWCP's development letter, appellant reported previously filing multiple EEO claims since 2022, with the most recent claim filed following forced removal and involuntary bid by the employing establishment on June 11, 2025, causing a worsening of his condition. He described the circumstances surrounding the filing of his occupational disease claim, explaining that he was repeatedly retaliated against by management after representing and assisting T.M., a coworker, with her EEO claim against A.C., a supervisor, and her management team.

In accompanying narrative statements received on July 9, 2025, appellant reported experiencing retaliation, harassment, and a hostile work environment due to the actions of management. He asserted that management did not provide him with the same lunch breaks as his coworkers; that he was subjected to humiliation and defamation of character after A.C. accused him of sexually harassing another employee; that tires were slashed at work; employees were constantly fighting; and that management made false statements about him, removed his chair, and tried to block his OWCP and EEO claims. He alleged that he was subjected to repeated threats from A.C. who attempted to stop him from speaking as a witness for T.M. by informing him that she was going to "get him for sexual harassment" and "get him" for coming in late for an approved

[2] OWCP assigned the present claim OWCP File No. xxxxxx792. The record reflects that appellant subsequently filed a traumatic injury claim (Form CA-1) under OWCP File No. xxxxxx162 alleging that, on June 11, 2025, he sustained emotional/stress-related conditions when he was retaliated against and involuntarily removed from his bid and work location while in the performance of duty. Appellant's claims in OWCP File Nos. xxxxxx162 and xxxxxx172 have been administratively combined by OWCP, with the latter serving as the master file.

extended lunch break that she had approved for all employees. Appellant further stated that he was forced to stand in the workplace despite his work-related injuries while other employees were supplied chairs, and that J.V, a manager, removed his chair from the workroom floor, claiming it was unsafe. He also asserted that the remaining chairs were subsequently removed and replaced with unsafe casing rest bars that were not designed for sitting, and after reporting safety concerns to outside management, the casing rest bars were removed and replaced with metal picnic chairs that were uncomfortable and low to the ground as further retaliation by management. Appellant indicated that only a few chairs were brought in and he was forced to stand while others sat, causing him to borrow a chair from other employees until an employee from A.C.'s management team retaliated by filing a false complaint against him, despite having received permission from these employees to use the chair in their absence, resulting in his 14-day suspension. He further related that he was issued a letter of warning by management for reporting unsafe work conditions and dirty bathrooms throughout the facility, his timesheets were not handled properly, that management attempted to interfere with his EEO and OWCP claims, that he was denied continuation of pay (COP), and that management prevented him from using his leave.

In an undated statement received on July 9, 2025, T.M., a coworker, noted that on April 20, 2023 she requested that appellant accompany her as a witness for a conversation scheduled with J.V. following an altercation she had on April 18, 2022 with A.V., another coworker. She related that, as she and appellant were walking to the office to meet with J.V., who had approved appellant's presence for the meeting, A.C. aggressively asked appellant where he was going because he was not a shop steward. T.M. informed her that she requested appellant's presence at the meeting, which J.V. had previously approved. She indicated that she did not want A.C. present at the meeting as A.C. had already made a false statement about her, and there was a conflict of interest pertaining to her recitation of the events involving A.V. T.M. further alleged that A.C. made false claims that appellant sexually harassed a coworker and took an unauthorized two-hour lunch break, which she was going to "get him" for. She asserted that A.C. provided false information to J.V. as she had approved a one-and-a-half-hour lunch break for all employees. T.M. further related that appellant was very embarrassed as the other employees heard A.C.'s allegations and reported that A.C. later indicated that she wanted to apologize to appellant for the statements that she made.

Appellant also submitted additional medical reports in support of his claim.

In a July 31, 2025 development letter, OWCP requested information from the employing establishment, including comments from a knowledgeable supervisor regarding the accuracy of appellant's allegations. It also requested that the employing establishment identify any agency employees who might have additional information regarding appellant's allegations and provide witness statements from such employees. OWCP included a series of questions regarding the specific facts and circumstances of appellant's allegations. It afforded the employing establishment 30 days to respond.

Appellant continued to submit additional evidence in support of his claim, including an official position description for a receiving clerk (of foreign air mail), an August 12, 2025 claim for medical reimbursement, a July 29, 2025 medical form from Ange-Fennie Jean, a licensed marriage and family therapist (LMFT), and EEO documents and narrative statements describing the circumstances surrounding his claimed emotional/stress-related conditions.

In e-mails to the Postmaster dated December 15, 2023 through February 6, 2024, appellant documented his allegations of alleged harassment and a hostile work environment by the employing establishment. He asserted that management singled him out for use of his cell phone during personal time when he was using his phone to send work-related emails initiated by A.C. Appellant alleged that other employees used their phones to watch movies, play games, and make personal calls, all without disciplinary action and he was the only employee who received a letter of warning for use of his phone on October 26, 2023. He further alleged that S.D., the lead plant manager, allowed all of these improprieties to continue despite his repeated complaints about management. Appellant related that A.C. attempted to circumvent a meeting he and T.M. had with J.V. by hurling loud, angry, and false accusations about him. He reported that it was only after a video was produced which implicated her in lying about a prior statement made that she was issued a letter of warning for her behavior. Appellant also alleged that A.C. was involved in the theft and removal of a personal chair which was replaced after an investigation was launched. He indicated that A.C. allowed her friends to take extended lunch breaks, causing him to be left alone on the workroom floor. When he brought it to management's attention, A.C. notified the employees that they were permitted to take one-and-a-half-hour lunch breaks. Despite reporting these issues to S.D. on May 2, 2023, A.C. was never disciplined for her conduct. Appellant asserted that his EEO activity and whistleblower complaints ultimately led to the removal of his job and work location as management abolished his position resulting in an involuntary bid.

On September 2, 2025, OWCP again requested information from the employing establishment.

On October 1, 2025, the employing establishment provided additional statements and documents in response to OWCP's questionnaire, including a February 4, 2025 statement from J.V., a manager, a March 4, 2025 employing establishment bid reposting letter, appellant's undated employing establishment bid posting report, an August 9, 2025 email from A.C., responding to OWCP's development questionnaire, photographs of the chairs, and a timeline of events from October 26, 2012 through July 12, 2025 listing appellant's various employing establishment letters and decisions issued, union grievances, EEO, and OWCP claims filed, corresponding medical treatment, altercations and improper conduct resulting in employing establishment suspensions, notice of bid to repost on March 4, 2025, clerk bid advertisement postings, a June 28, 2025 award of involuntary residual bid position due to being the senior unencumbered clerk, and a July 12, 2025 award for a bid as the senior bidder.

In a statement dated February 4, 2025, J.V., a manager, reported that on that date he arrived at Cargo Force facility to discuss international mail with the employees, as well as issues related to sharing chairs amongst the employees during downtime. He explained that no one was to personalize or claim any chair and reminded them of their bid notes and comments where it specifically states heavy lifting and eight hours of standing required. J.V. explained that afterwards, appellant requested to speak with him in private where he explained that there was not enough work at their facility for the employees to stand around and do nothing for six hours per day and because the work at Cargo Force was minimal, there was no need for so many employees to be there at the same time. He related that appellant informed him that while he understood that their bids stated heavy lifting and eight hours of standing required, Cargo Force was a warehouse setting and not an ideal place to stand around waiting for work, unlike other facilities where there was enough work to keep employees busy.

In a March 4, 2025 bid reposting letter, S.D., an employing establishment plant manager at the Miami International Service Center (ISC), notified appellant that his bid assignment would be reposted on the next clerical advertisement due to a change in reporting hours. He noted that appellant would become an unassigned regular employee effective April 5, 2025 and would retain his assignment schedule until the results were posted. S.D. further informed him that in accordance with Article 37, he would be provided the opportunity to bid on all available jobs or future postings and encouraged to bid on future advertisements when the next clerk advertisement opens.

An undated employing establishment bid posting report noted that appellant, in his capacity as a receiving clerk of foreign air mail, was domiciled at Cargo Force facility and would be required to work at Miami ISC as needed for foreign receiving operations which entailed heavy lifting and eight hours standing.

In an August 9, 2025 email, A.C. responded to OWCP's development questionnaire and asserted that she had no involvement in the abolishment of any bids involving appellant, explaining that she had not supervised full time at Cargo Force since February 2025. She further noted that T.M. had not been under her supervision since December 2023 and additional information concerning realignment bids should be sought by senior management and implant support.

In a statement received on October 21, 2025, appellant responded to J.V.'s February 4, 2025 statement and asserted that management had retaliated by removing the chairs off the workroom floor. He further reported that management was aware of his work-related ankle-injury which required reasonable accommodations but removed the chairs as a form of retaliation, and it was only after much debate and consultation with J.R., a manager of labor relations, that the chairs were subsequently returned.

In a statement received on November 18, 2025, appellant requested that OWCP escalate his claim and asserted that he had not been provided 45 days of COP by the employing establishment and had submitted the requisite medical evidence and EEO documents to support his allegations and complaints.

In support of his claim, appellant submitted additional medical evidence.

By decision dated December 18, 2025, OWCP denied appellant's emotional/stress-related condition claim, finding that he had not established a compensable employment factor. Thus, the requirements had not been met to establish an injury as defined by FECA.

LEGAL PRECEDENT

An employee seeking benefits under FECA[3] 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,[4] 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

[3] *Supra* note 1.

[4] *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).

employment injury.[5] 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.[6]

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.[7]

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 a requirement imposed by the employment, the disability is deemed compensable.[8] 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.[9]

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.[10] 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 or personnel matter, coverage will be afforded.[11] 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.[12]

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

[5] *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).

[6] *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).

[7] *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).

[8] *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).

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

[10] *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).

[11] *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).

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

constitute employment factors.[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]

ANALYSIS

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

In a July 31, 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. On September 2, 2025, it again requested information from the employing establishment after it failed to submit a response. Although OWCP received a response on October 1, 2025 from the employing establishment, merely general statements and documents, the February 4, 2025 statement from J.V. and August 9, 2025 statement from A.C. did not sufficiently address all the allegations brought forth by appellant and T.M. in her accompanying witness statement.

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.[16] OWCP, however, failed to do so.[17]

Proceedings under FECA are not adversarial in nature, nor is OWCP a disinterested arbiter.[18] 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.[19]

[13] *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).

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

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

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

[17] *A.O.,* Docket No. 26-0266 (issued June 10, 2026); *L.S*., Docket No. 18-1208 (issued April 30, 2020).

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

[19] *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).

The case shall therefore be remanded for further development. On remand, OWCP shall obtain a sufficient response to its July 31 and September 2, 2025 development letters. 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 18, 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 3, 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