United States Department of Labor
Employees' Compensation Appeals Board

C.M., Appellant	)	
and	)	**Docket No. 26-0666**
	)	**Issued: September 25, 2026**
DEPARTMENT OF VETERANS AFFAIRS, NORTH TEXAS HEALTH CARE SYSTEM, DALLAS VA MEDICAL CENTER, Dallas, TX, 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 December 16, 2024 appellant filed a timely appeal from a December 16, 2024 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 her burden of proof to establish an emotional/stress-related condition in the performance of duty, as alleged.

FACTUAL HISTORY

On July 1, 2024 appellant, then a 66-year-old medical clerk, filed an occupational disease claim (Form CA-2) alleging that she developed an emotional/stress-related condition due to factors

[1] 5 U.S.C. § 8101 *et seq*.

of her federal employment over the course of the past three years, including bullying, intimidation, and lack of support from management. She noted that that she first became aware of her condition and realized its relation to her federal employment on June 6, 2024. On the reverse side of the claim form, T.P., appellant's supervisor since February 2024, indicated that she was not aware of appellant's allegations from three years ago, prior to becoming her supervisor. Appellant stopped work on June 6, 2024.

In support of her claim, appellant submitted May 20 and June 10, 2024 narrative statements alleging that coworkers D.T. and B.S engaged in harassing behavior towards her. She alleged that B.S. failed to provide information for her ongoing Equal Employment Opportunity Commission (EEOC) complaint and that B.S. displayed aggressive conduct toward her by loudly stating "on break" in front of other staff members, instead of speaking to appellant in an appropriate manner. Appellant stated that D.T. constantly visited B.S. and they continued their hostile conduct toward her. She alleged that L.B., another coworker, was unpleasant and favored B.S. for breaks or checking in patients. Appellant alleged that following a June 6, 2024 meeting, L.B. asked her to stop slandering his name. When appellant asked L.B. why he was harassing her, she claimed that he told her that she was "dumb and stupid and that she doesn't listen" that he "was not playing these games." She alleged that L.B. previously told her that she thought she was better than anyone. Appellant indicated that after the confrontation with L.B., she felt uneasy and shaky.

In a July 15, 2024 development letter, OWCP informed appellant of the deficiencies of her claim. It advised her of the type of factual and medical evidence required and provided a questionnaire for her completion. OWCP afforded appellant 60 days to submit the necessary evidence.

In March 28, and September 1, and 9, 2023 reports, nurse practitioners noted appellant's mood level for her generalized anxiety disorder.

In a June 14, 2024 report, Dr. Alexander J. Hollub, a Board-certified family practitioner, diagnosed generalized anxiety disorder. He reported that appellant felt stressed at work, that she has been harassed at work for the past three years, and that she had filed an EEOC complaint. Dr. Hollub noted that appellant reported high anxiety during a verbal confrontation with a coworker and had missed work.

In a statement dated August 29, 2023, appellant described July 26, August 24, and 31, 2023 interactions with coworkers. During a July 26, 2023 conversation with D.T., she informed her that she had some patients waiting and that they were upset. Appellant approached D.T. in front of other staff and asked her who her supervisor was. She alleged that after some back and forth, D.T. stated, "Isn't it time for you to see your psychiatry" and that she was "crazy." Appellant stated that she got in front of D.T., who had tried to walk away, when J.C. indicated that he would find D.T.'s supervisor. She indicated that she wanted to know why D.T. was hostile toward her. On August 24, 2023, appellant alleged that she was the target of D.T.'s hostile behavior when D.T. told the mailroom staff untrue statements about her actions regarding return-to-clinic (RTC) mail. Appellant further alleged that on August 31, 2023 she had left her lunch bag in the new refrigerator and when she returned to work the next day, there was a printed note in huge letters which stated "PUT YOUR NAME & DATE ON YOUR BAG." She alleged that her lunch bag was singled out and R.D., a coworker, and R.S., a nurse manager, did not provide a good reason for targeting her lunch bag. Appellant stated that she told R.D. "You and your flying monkeys need to leave me

the hell alone" and she then left work for the day. She alleged that R.D. had previously tampered with her lunch bag which contained her diabetic medicine that needed to be refrigerated. Appellant stated R.D. cleaned the breakroom refrigerator at 3:30 p.m. even though she knew that appellant's shift ended at 8:00 p.m. She alleged that this was retaliation and a form of intimidation as she had filed an EEOC complaint against R.D. for misconduct.

In a September 6, 2024 development letter, OWCP requested that the employing establishment provide additional information regarding appellant's claim, including comments from a knowledgeable supervisor. It afforded the employing establishment 30 days to provide the requested information.

In an August 28, 2023 e-mail, D.P., a nurse coordinator, stated that she had placed an RTC order on cancellation letters and D.T. had alerted her that appellant had removed the letters from the mail bin. She indicated that she was not part of the interaction between D.T. and appellant.

In an August 28, 2023 e-mail, D.T. stated that on July 27, 2023 she and appellant had a verbal exchange in which appellant, in front of the entire clinic, badgered her for a meeting with her supervisor, stood in front of her and blocked her path twice, and that J.C. intervened. On August 24, 2023, D.T. stated that appellant removed RTC letters from the mail bin and handed the letters to B.S. to tell D.T. that the mailroom person refused to take the letters as they were "unleveled." She indicated that the mailroom supervisor walked with her to the clinic and explained to appellant why the letters could be mailed. Appellant took the letters from the mailroom supervisor and explained why they should not be mailed, but the mailroom supervisor took the letters back and mailed them. On August 28, 2023, D.T. stated that her supervisor, R.C., requested a meeting regarding an alleged hostile work environment. D.T. stated that she had filed disruptive behavior reports against appellant but had tried to work with her since a March 2023 disagreement. A copy of a report of contact with appellant regarding the August 24, 2023 RTC mail incident was included.[2]

Additional medical evidence from Dr. Hollum, which included June 19, 2024 and November 7, 2024 form reports relating that appellant was disabled from work due to depression/anxiety.[3]

In a November 13, 2024 development letter, OWCP again requested that the employing establishment provide additional information regarding appellant's claim, including comments from a knowledgeable supervisor. It afforded the employing establishment 30 days to provide the requested information.

[2] In other statements, D.T. discussed incidents regarding appellant's behavior towards a patient and her own allegations against appellant.

[3] Of record were February 13, through 14, 2024 e-mail exchange between appellant and K.M., a supervisor, and a meeting regarding a delay in patient care; a June 12, 2024 e-mail regarding customer service communication; a September 30, 2024 e-mail, wherein appellant stated there was an issue regarding the processing of her claim for compensation (Form CA-7), appellant's March 4, 2024 response in opposition to proposed motion for summary judgment before EEOC, and claims for compensation (Form CA-7) for disability from work commencing July 26, 2024.

In a September 20, 2024 statement, T.P., disagreed with appellant's allegations. She stated that a meeting with all the employees in Clinic 4 was held concerning the allegations of bullying from appellant and verbal complaints from staff members concerning appellant's behavior. At the meeting, all participants agreed that bullying was not a concern but they could use some additional training for communication and customer service. It was suggested that everyone attend a four-hour training session offered by the employing establishment regarding mindset, conflict resolution, and employee relations. T.P. stated that all staff members attended the training except appellant, who was on medical leave. She noted that appellant declined to use Employee Assistance Program (EAP) services.

Statements from appellant's coworkers were submitted which alleged that appellant created a hostile environment as she bullied, terrorized, and harassed them. In a September 17, 2024 statement, R.D. acknowledged that she had cleaned out the breakroom refrigerator and had set out a black bag, with no name or date on it, on the table. R.D. stated that appellant called her that evening and also sent a nasty text message. She alleged that appellant previously attempted to confront her twice. R.D. related that appellant became upset if she did not get her way and that she felt threatened by appellant. In a September 18, 2024 statement, B.S. stated that when she did not support appellant's claims of harassment, several people told her that appellant said that she had betrayed her. She described several incidents in which she alleged that appellant retaliated against her by bullying and terrorizing her. B.S. also confirmed that appellant had stated that D.T. and L.W. were in an inappropriate relationship. In a September 19, 2024 statement, D.T. stated that appellant had verbally assaulted her on March 7, 2023 and intimidated and bullied her for months, which she reported to her supervisors and EEOC. She described incidents with appellant which occurred on July 27 and August 28, 2023 and attached documentation, noting that the issue was not resolved despite a September 21, 2023 meeting. D.T. stated that she had shared her experience with appellant with management.

On October 3, 2024 OWCP received appellant's March 4, 2024 response in opposition to a proposed motion for summary judgement in her EEOC case. Appellant alleged that she was subjected to a hostile work environment by her supervisor, W.O. She alleged that on September 9, 2022, W.O. accused her of being insubordinate for not rescheduling patient appointment; on September 12, 2022, W.O. failed to complete appellant's workers' compensation paperwork; on October 19, 2022, W.O. stated "You don't want none of this.… Get out of my office"; on November 3, 2022, W.O. rated appellant as fully successful on her annual performance rating; on December 15, 2022, S.P. corrected appellant's performance rating for the period July through October 2022.

By decision dated December 16, 2024, 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 FECA[4] 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,[5] 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.[6] 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.[7]

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.[8]

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.[9] 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.[10]

Administrative and personnel matters, although generally related to the employee's employment, are administrative functions of the employer rather than the regular or specially assigned work duties of the employee and are not covered under FECA.[11] However, the Board

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[4] *Id.*

[5] *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).

[6] *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).

[7] *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).

[8] *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).

[9] *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).

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

[11] *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).

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.[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 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 appellant has not met her burden of proof to establish an emotional/ stress-related condition while in the performance of duty, as alleged.

The Board must initially review whether appellant's allegations constitute compensable employment factors under FECA.[16] Appellant has not attributed her emotional/stress-related condition to the performance of her regularly or specially assigned duties under *Cutler*.[17] Rather, she has alleged that she sustained an emotional/stress-related condition as a result of a pattern of harassment, bullying, discrimination, and/or retaliation by her coworkers, which created a hostile work environment over the past three years.

Specifically, appellant alleged that R.D. left appellant's lunch bag on the breakroom table for four hours and, on another occasion, placed a note with huge letters of "PUT YOUR NAME & DATE ON YOUR BAG" on appellant's lunch bag. OWCP also accepted that appellant and D.T. had an argument, and that appellant alleged that B.S. bullied her. Mere perceptions of harassment, retaliation, or discrimination are not compensable under FECA.[18] The evidence of record suggests that the employee's feelings were self-generated and, thus, not compensable under FECA.[19] 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

[12] *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).

[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] *P.G*, Docket No. 25-0555 (issued June 20, 2025); *S.K*., Docket No. 18-1648 (issued March 14, 2019); *Dennis J. Balogh,* 52 ECAB 232 (2001).

[17] *See Lillian Cutler, supra* note 9.

[18] *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).

[19] *Deborth J. Haziz*, Docket No. 05-1067 (issued January 3, 2006).

in fact occur.[20] However, there is no evidence to support appellant's perception that these incidents constituted compensable harassment from her coworkers.[21] Thus, appellant has not established a compensable employment factor with respect to these matters.

Appellant also alleged that B.S. failed to provide information for her ongoing EEOC complaint and that B.S. displayed aggressive conduct towards appellant by loudly stating "on break" in front of other staff members, instead of informing appellant in an appropriate manner. Appellant further alleged that L.B. was unpleasant and favored B.S. for breaks or checking in patients, and that L.B. asked her to stop slandering his name. She claimed that he told her that she was "dumb and stupid and that she doesn't listen" that he "was not playing these games." She also alleged that L.B. previously told her that she thought she was better than anyone else. Additionally, appellant alleged that on July 26, 2023 she informed D.T. that she had some patients waiting and that they were upset. She approached D.T. in front of other staff and asked her who her supervisor was. Appellant alleged that after some back and forth, D.T. stated "Isn't it time for you to see your psychiatry" and that she was "crazy." On August 24, 2023, she alleged that she was the target of D.T.'s hostile behavior when D.T. told the mailroom staff untrue statements about her actions regarding RTC mail. However, the Board has explained that not every statement uttered in the workplace will give rise to coverage under FECA.[22] As previously noted, there must be probative and reliable evidence that the alleged incidents of harassment did in fact occur.[23] The Board does not find evidence in the record that appellant's alleged coworkers conduct occurred as alleged by appellant and rose to the level of abuse or harassment.[24]

Moreover, appellant alleged that she was subjected to a hostile work environment by her supervisor, W.O. She alleged that on September 9, 2022 W.O. accused her of being insubordinate for not rescheduling patient appointment; on September 12, 2022, W.O. failed to complete appellant's workers' compensation paperwork; on October 19, 2022, W.O. stated "You don't want none of this… Get out of my office"; on November 3, 2022, W.O. rated appellant as fully successful on her annual performance rating; on December 15, 2022, S.P. corrected appellant's performance rating for the period July through October 2022. The Board finds that appellant failed to submit probative evidence supporting these allegations.[25] Appellant has therefore not established that these allegations constituted compensable factors of employment.

As appellant has not established a compensable employment factor under FECA, the Board finds that she has not met her burden of proof to establish an emotional/stress-related condition in

[20] *Supra* note 14.

[21] *Id*.

[22] *W.F.,* Docket No. 17-0640 (issued December 7, 2018); *Y.B.,* Docket No. 16-0193 (issued July 23, 2018); *Marguerite J. Toland,* 52 ECAB 294 (2001).

[23] *Supra* note 14.

[24] *See Evelyn J. Simpson*, Docket No. 04-0007 (issued March 16, 2004).

[25] *See C.Y.*, Docket No. 22-0699 (issued June 2, 2023).

the performance of duty, as alleged. Therefore, it is not necessary to consider the medical evidence of record.[26]

Appellant may submit new evidence or argument with a written request for reconsideration to OWCP within one year of this merit decision, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. §§ 10.605 through 10.607.

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish an emotional/ stress-related condition in the performance of duty, as alleged.

ORDER

IT IS HEREBY ORDERED THAT the December 16, 2024 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: September 25, 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

[26] *See V.A.,* Docket No. 25-0375 (issued May 5, 2025); *B.O,* Docket No. 17-1986 (issued January 18, 2019) (finding that it is not necessary to consider the medical evidence of record if a claimant has not established any compensable employment factors). *See also Margaret S. Krzycki,* 43 ECAB 496, 502-03 (1992).