

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of GEORGE A. SANDERS and U.S. POSTAL SERVICE,  
POST OFFICE, North Reading, MA

*Docket No. 98-817; Submitted on the Record;  
Issued December 6, 1999*

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DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,  
DAVID S. GERSON

The issue is whether appellant's hypertension is causally related to his federal employment.

On February 8, 1995 appellant, a distribution clerk, sustained an injury while in the performance of his duties. The Office of Workers' Compensation Programs paid benefits.

Appellant later expanded his claim to include hypertension, which he attributed to harassment by the Office. To support his claim, he submitted an October 8, 1996 report from Dr. Dorothy M. Sweeney, a specialist in internal medicine, who reported that appellant had hypertension that developed as he was going through the aggravation and stress of applying for disability-related benefits. She stated: "I believe his hypertension was directly caused by the stress related to this activity."

In a decision dated February 4, 1997, the Office denied appellant's claim for hypertension. Appellant requested a hearing before an Office hearing representative. At the hearing, which was held on August 6, 1997, appellant explained that from the very beginning, when the Office took over his case, there was "problem after problem." He described how the Office had treated him and charged that the Office was harassing him and discriminating against him. He submitted a memorandum in support of his claim, which stated among other things that workers' compensation was attempting to force him back to work even though he remained disabled. He stated that he underwent a great deal of stress during this period and now suffered from high blood pressure.

In a decision dated November 13, 1997, the hearing representative affirmed the Office's February 4, 1997 decision. The hearing representative found that the aggravation and stress of going through the workers' compensation process was not compensable.

The Board finds that the evidence of record fails to establish that appellant's hypertension is causally related to his federal employment.

As the Board observed in the case of *Lillian Cutler*,<sup>1</sup> workers' compensation law does not apply to each and every illness that is somehow related to an employee's employment. When an employee experiences emotional stress in carrying out his employment duties, or has fear and anxiety regarding his ability to carry out his duties, and the medical evidence establishes that the disability resulted from his emotional reaction to such situation, the disability is generally regarded as due to an injury arising out of and in the course of employment. This is true when the employee's disability resulted from the employee's emotional reaction to a special assignment or requirement imposed by the employing establishment or by the nature of his work. On the other hand, there are injuries that have some kind of causal connection with the employment but nevertheless are not covered under workers' compensation because they are not found to have arisen out of employment.

The Board finds that any stress or hypertension resulting from the handling of appellant's workers' compensation claim falls within the second category and is not compensable. In the case of *Virgil M. Hilton*, a mailhandler, claimed that he suffered anxiety, ulcers and frustration, as well as heart, nerve and mind problems, as a result of the alleged mismanagement of his claim by the Office. The Board noted that the employee had cited no duties or special requirements imposed by his position as mailhandler that could be related to his emotional condition, and found that complaints of "false information supplied to the OWCP by [the employing establishment]," "nonpayment of compensation by OWCP" and "false information furnished by OWCP to the doctors" were not factors of his employment.<sup>2</sup> Accordingly, in the present case, the handling of appellant's claim for compensation is not a factor of his federal employment and any stress or hypertension resulting therefrom is not compensable as an injury arising in the performance of duty.<sup>3</sup>

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<sup>1</sup> 28 ECAB 125 (1976).

<sup>2</sup> 37 ECAB 806, 811 (1986).

<sup>3</sup> See *Ralph O. Webster*, 38 ECAB 521 (1987) (employee's emotional condition, resulting in part from actions relating to his claim under the Federal Employees' Compensation Act, was found to be self-generated and not within the coverage of the Act); *Elvira B. Lightner*, 39 ECAB 118 (1987) (the fact that an employee had become upset because of late compensation payments was not sufficient to bring the employee's death into the performance of duty).

The November 13, 1997 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, D.C.  
December 6, 1999

Michael J. Walsh  
Chairman

George E. Rivers  
Member

David S. Gerson  
Member