U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ROBERT DAVIS and U.S. POSTAL SERVICE,
POST OFFICE, Athens, TN

Docket No. 00-1891; Submitted on the Record;
Issued May 24, 2001

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
MICHAEL E. GROOM

The issue is whether appellant has met his burden of proof in establishing that his irritable bowel syndrome was causally related to factors of his federal employment.

Appellant, a 51-year-old letter carrier, filed a notice of occupational disease on September 30, 1999 alleging that his irritable bowel syndrome and colitis were due to his "high stress" mail route. By decision dated February 3, 2000, the Office denied his claim finding that he failed to substantiate a compensable factor of employment.

The Board finds the case not in posture for decision.

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 illness has some connection with the employment but nevertheless does not come within the concept 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 compensable. Disability is not compensable, however, 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.[1]

Appellant attributed his irritable bowel syndrome to certain events connected with his employment. Appellant stated that his route was high stress and that he had requested a route adjustment. Appellant asserted that his route required 10-hour days and that he worked weeks without a day off. The employing establishment responded and stated that appellant's average weekly overtime was between 4.87 hours and 5.36 hours from the years 1994 through 1998. The employing establishment noted that appellant's overtime did not substantially increase in 1996 when he began his current route. Appellant's supervisor, Jim Powers, stated that appellant did

[1] *Lillian Cutler*, 28 ECAB 125, 129-31 (1976).

not request that his route be evaluated as it was overburdened. The employing establishment responded and stated that appellant had never requested a route inspection. The employing establishment stated that appellant's route was not unique and that he bid and was awarded the route.

Appellant has not submitted sufficient factual evidence to establish that he was overworked due to excess overtime nor to a burdensome route. Therefore he has failed to substantiate this factor of employment.

Appellant attributed his work stress to an observation by a visiting supervisor of the importance of productivity and meeting quotas. He informed appellant that because appellant had to case mail his level of productivity was so low that appellant could be terminated. The supervisor stated that it was appellant's fault that the businesses on his route did not use the correct addresses. Appellant stated that he was afraid that he could be terminated. Regarding appellant's allegation that he developed stress due to insecurity about maintaining his position, the Board has previously held that a claimant's job insecurity, including fear of a reduction-in-force, is not a compensable factor of employment under the Federal Employees' Compensation Act.[2]

Appellant stated that he was attacked by dogs twice while on his route. He listed the occasions as September 21, 1990 and March 17, 1997. Appellant submitted a notice of traumatic injury dated March 19, 1997 alleging that he sustained a bite to the left forearm and injury to the tailbone in the performance of duty on March 17, 1997. He stated that he was involved in motor vehicle accidents on December 21, 1994 and July 14, 1997. Appellant also stated that he sustained an employment injury in October 1988.

The Board finds that appellant has alleged that his emotional condition was due in part to prior employment injuries. The record before the Board does not indicate whether these alleged employment injuries were accepted by the Office as arising out of appellant's federal employment. The information regarding any prior claims for dog bite or motor vehicle accident can readily be accessed by the Office. On remand, the Office should request further information from appellant regarding prior claims and should consolidate any records of prior injuries mentioned by appellant in order to determine whether such claims were accepted as compensable and whether appellant developed an emotional condition from these alleged employment injuries which caused or contributed to his diagnosed condition of irritable bowel syndrome. After this and such other development as the Office deems necessary, the Office should issue an appropriate decision.

[2] 5 U.S.C. §§ 8101-8193.

The February 3, 2000 decision of the Office of Workers' Compensation Programs is hereby set aside and remanded for further development consistent with this opinion of the Board.

Dated, Washington, DC
May 24, 2001

Michael J. Walsh
Chairman

Willie T.C. Thomas
Member

Michael E. Groom
Alternate Member