

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

---

In the Matter of ROSALIND deCASTRO and U.S. POSTAL SERVICE,  
POST OFFICE, Sacramento, CA

*Docket No. 03-1786; Submitted on the Record;  
Issued September 3, 2003*

---

DECISION and ORDER

Before ALEC J. KOROMILAS, MICHAEL E. GROOM,  
A. PETER KANJORSKI

The issue is whether the Office of Workers' Compensation Programs properly found that appellant failed to meet her burden of proof to establish that she sustained an emotional condition in the performance of duty.

On January 30, 2003 appellant, a 45-year-old automation clerk, filed an occupational disease claim alleging that she sustained an emotional condition caused by factors of her employment. In a September 23, 2002 statement, appellant alleged that being on a tight, rigid work schedule caused her to develop stress and contributed to her high blood pressure condition.<sup>1</sup> She asserted that timeliness was an extremely important factor at her worksite. Appellant alleged that she felt pressured by having to adhere to such a schedule and having to avoid mistakes. She stated that she was under constant pressure to keep the mail-sorting machines running and to ensure the even flow of mail required for the machines to run efficiently, which was difficult to accomplish because the mail was often not adequately prepared for feeding and there was either an insufficient or an excessive amount of mail. Appellant alleged that her physician provided her with work restrictions which allowed her to sit down when she felt the onset of symptoms from her high blood pressure condition. She recently had been unable to help her coworker sweep down the machine at the end of the shift due to her need to sit down before becoming too dizzy to stand.

Appellant alleged two specific work incidents involving her supervisor, Mel Green, which contributed to her emotional condition. On May 21, 2002 appellant stated that Mr. Green told her to separate the State Department mail from the other mail and place it in another machine. She stated that after separating the mail as requested, her supervisor returned and asked her why the machines were not running. The second incident occurred on July 31, 2002, when appellant was running a bigger and faster machine. She stated that she was working on

---

<sup>1</sup> Appellant stated that when her blood pressure rose she became dizzy and that she occasionally lost consciousness.

pallets, which caused her knees to ache and feared that she would injure them. Appellant alleged that she felt increasing pain in her knees, ringing in her ears, blurred vision and became light headed. She stopped the machine, sat down and took a break. When her supervisor noticed that she had stopped the machine, he accosted her and told her that she needed to keep the machines running.

Appellant submitted a January 3, 2003 report from Dr. Jeffrey D. Kauffman, an attending Board-certified orthopedic surgeon, who opined that the stress of her working conditions had aggravated her hypertension condition. He stated that the stress of meeting goals and deadlines regarding her machine assignment, maintaining a precise time schedule, receiving contradictory information from various supervisors and working with other employees who were physically able to do more work at a faster pace, taken together, had a negative impact on her hypertension condition.

In a report dated January 22, 2003, Dr. Pamela S. Martell, a specialist in psychiatry, diagnosed anxiety disorder with depressive features, which she felt was exacerbated by appellant's employment situation. She stated that appellant had exhibited a decreased ability to accept supervision at work and was showing signs of increasing hostility to both coworkers and supervisors. Dr. Martell noted that appellant recently received a disciplinary action for a confrontation with a coworker and opined that appellant did not possess the coping skills required to deal with meeting time constraints while under the stress of doing her work.

In a statement dated March 13, 2003, Mr. Green noted that he had spoken to appellant on the dates in question, but only to assure that the equipment was running and to inquire whether she required any assistance. He denied that he harassed or intimidated appellant during these instances, stating that he was acting in his administrative capacity. Mr. Green noted that management had been forced to take disciplinary action because of the abrasive manner in which appellant interacted with her coworkers.

By decision dated May 1, 2003, the Office found that the evidence of record did not establish that an emotional condition was sustained in the performance of duty.

The Board finds that appellant has not established that she sustained an emotional condition in the performance of duty.

To establish that an emotional condition was sustained in the performance of duty there must be factual evidence identifying and corroborating employment factors or incidents alleged to have caused or contributed to the condition, medical evidence establishing that the employee has an emotional condition and a rationalized medical opinion establishing that compensable employment factors are causally related to the claimed emotional condition.<sup>2</sup> There must be evidence that implicated acts of harassment or discrimination did, in fact, occur supported by specific, substantive, reliable and probative evidence.<sup>3</sup>

---

<sup>2</sup> See *Debbie J. Hobbs*, 43 ECAB 135 (1991).

<sup>3</sup> See *Ruth C. Borden*, 43 ECAB 146 (1991).

The first issue to be addressed is whether appellant has established factors of employment that contributed to her alleged emotional condition or disability. Where the disability results from an emotional reaction to regular or specially assigned work duties or a requirement imposed by the employment, the disability comes within the coverage of the Federal Employees' Compensation Act.<sup>4</sup> On the other hand, disability is not covered where it results from an employee's fear of a reduction-in-force, frustration from not being permitted to work in a particular environment or to hold a particular position or to secure a promotion. Disabling conditions resulting from an employee's feeling of job insecurity or the desire for a different job do not constitute a personal injury sustained while in the performance of duty within the meaning of the Act.<sup>5</sup>

The Board finds that appellant has failed to submit sufficient evidence to establish her allegations that her supervisor engaged in harassment. She has alleged, in general terms, harassment by her supervisor, but she has not provided a description of specific incidents or sufficient supporting evidence to substantiate her allegations.<sup>6</sup> Appellant has not submitted sufficient factual evidence to support her allegations that she was harassed, mistreated or treated in a discriminatory manner by her supervisor. To that end, she has failed to establish that her supervisor harassed, threatened or verbally abused her during the periods and dates she alleged these episodes to have occurred.

The Board further finds that the administrative and personnel actions taken by management in this case do not establish error or abuse. An employee's emotional reaction to an administrative or personnel matter is not covered under the Act, unless there is evidence that the employing establishment acted unreasonably. However, error or abuse by the employing establishment in an administrative or personnel matter or evidence that the employing establishment acted unreasonably in the administration of a personnel matter, may afford coverage.<sup>7</sup> In this case, appellant has failed to demonstrate any error or abuse with respect to the two incidents in which her supervisor, Mr. Green, asked her why the machines had stopped running. Appellant failed to demonstrate that Mr. Green was doing anything more than discharging his supervisory duties by monitoring his work area and checking on his employees. The evidence does not establish that he engaged in improper conduct which exceeded his administrative responsibilities. With regard to the disciplinary actions taken by the employing establishment due to appellant's difficulty interacting with her coworkers, such matters are not compensable in the absence of administrative error or abuse.<sup>8</sup> In the instant case, appellant has presented no evidence that the employing establishment acted unreasonably or committed error

---

<sup>4</sup> *Lillian Cutler*, 28 ECAB 125 (1976).

<sup>5</sup> *Id.*

<sup>6</sup> See *Joel Parker, Sr.*, 43 ECAB 220 (1991) (holding that a claimant must substantiate allegations of harassment or discrimination with probative and reliable evidence).

<sup>7</sup> *Margreate Lublin*, 44 ECAB 945 (1993).

<sup>8</sup> *Drew A. Weismuller*, 43 ECAB 745 (1992); *Kathi A. Scarnato*, 43 ECAB 220 (1991).

with regard to the incidents of alleged unreasonable actions involving personnel matters on the part of the employing establishment.<sup>9</sup>

Appellant generally alleged that she was required to keep a “tight, timed schedule,” that she needed to be at work on time and meet deadlines and that she had to keep the machines fed with mail which often was not adequately prepared for such a feeding. The Board has held that emotional reactions to situations, in which an employee is trying to meet her position requirements, are compensable.<sup>10</sup> However, appellant has not submitted evidence sufficient to find that the employing establishment imposed an unusually heavy workload and unreasonable deadlines. Regarding her allegation that she developed stress due to the uncertainty of her job duties and her insecurity about maintaining her position, the Board has previously held that a claimant’s job insecurity is not a compensable factor of employment under the Act.<sup>11</sup>

For the foregoing reasons, appellant has not established any compensable employment factors under the Act and, therefore, has not met her burden of proof in establishing that she sustained an emotional condition in the performance of duty.<sup>12</sup>

---

<sup>9</sup> As to appellant’s allegations that she was overburdened with an excessive workload while working with the mail-sorting machines, appellant did not provide any evidence that the employing establishment acted in an abusive or unreasonable manner in setting performance guidelines for her.

<sup>10</sup> See *Georgia F. Kennedy*, 35 ECAB 1151, 1155 (1984); *Joseph A. Antal*, 34 ECAB 608, 612 (1983).

<sup>11</sup> See *Artice Dotson*, 42 ECAB 754, 758 (1990); *Allen C. Godfrey*, 37 ECAB 334, 337-38 (1986).

<sup>12</sup> As appellant has not established any compensable employment factors, the Board need not consider the medical evidence of record; see *Margaret S. Krzycki*, 43 ECAB 496, 502-03 (1992).

The decision of the Office of Workers' Compensation Programs dated May 1, 2003 is hereby affirmed.

Dated, Washington, DC  
September 3, 2003

Alec J. Koromilas  
Chairman

Michael E. Groom  
Alternate Member

A. Peter Kanjorski  
Alternate Member