

Appellant submitted an April 7, 2007 disability certificate from Dr. Malak Isaac, a family practitioner, who diagnosed hypertension, noting that appellant had a history of high blood pressure and that appellant would benefit from a “less stressful working environment.”

By letters dated June 28, 2007, the Office requested additional factual and medical evidence from appellant and the employing establishment. It requested that appellant describe in detail the employment-related incidents to which he attributed to his illness. The Office also requested that appellant describe those aspects of his employment which he believed were detrimental to his health and identify any relevant dates, locations, coworkers, supervisors or required duties. Additionally, it requested that, for any events or duties which he identified, appellant should describe how often they occurred and for how long. Appellant was advised that he should provide the names, addresses and telephone numbers of any person who could identify his allegations.

In April 6 and May 27, 2007 reports, Dr. Isaac noted that appellant related that he worked in a stressful work environment and diagnosed hypertension. In a May 12, 2007 disability certificate, he requested that appellant be excused from work beginning May 12, 2007 and noted that appellant had elevated blood pressure and would benefit from a “less stressful work environment.” Furthermore, Dr. Isaac indicated that appellant could resume light and regular activity on May 13, 2007.

In a May 30, 2007 report, Nancy M. Bowman, a licensed professional counselor, noted that appellant was experiencing fear and anxiety regarding his job. Ms. Bowman indicated that appellant related that his “current job has caused extreme stress” and he was now taking medication for hypertension.

In a June 1, 2007 certification of health care provider, Dr. Brian Bittner, Board-certified in family medicine, advised that appellant had experienced a great deal of stress. He noted that the condition started in January and worsened by May 2007. Dr. Bittner recommended psychological counseling.

In a June 18, 2007 report, Ms. Bowman advised that appellant began working at the employing establishment on December 11, 2005 and had experienced verbal abuse. She stated that it included “being disrespected, talked down to and, in general, being devalued.” Ms. Bowman advised that appellant had spoken to his supervisor but that “nothing has changed and he experienced extreme stress which escalated into hypertension.

By decision dated August 3, 2007, the Office denied the claim on the basis that the factual evidence was insufficient to establish a compensable work factor. It noted that appellant did not describe any specific employment factor, event or practice which he believed caused his injury.

LEGAL PRECEDENT

Workers’ compensation law does not apply to each and every 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 or coverage

of workers' compensation. Where the disability results from an employee's emotional reaction to his regular or specifically assigned duties or to a requirement imposed by the employment, the disability comes within the coverage of the Federal Employees' Compensation Act.¹ On the other hand, the disability is not covered where it results from such factors as an employee's fear of a reduction-in-force or his frustration from not being permitted to work in a particular environment or to hold a particular position.²

Appellant has the burden of establishing by the weight of the reliable, probative and substantial evidence that the condition, for which he claims compensation was caused or adversely affected by employment factors.³ This burden includes the submission of a detailed description of the employment factors or conditions, which appellant believes caused or adversely affected the condition or conditions, for which compensation is claimed.⁴

In cases involving emotional conditions, the Board has held that, when working conditions are alleged as factors in causing a condition or disability, the Office as part of its adjudicatory function, must make findings of fact regarding, which working conditions are deemed compensable factors of employment and are to be considered by the physician when providing an opinion on causal relationship and, which working conditions are not deemed factors of employment and may not be considered.⁵ If a claimant does implicate a factor of employment, the Office should then determine whether the evidence of record substantiates that factor. When the matter asserted is a compensable factor of employment and the evidence of the matter establishes the truth of the matter asserted, the Office must base its decision on an analysis of the medical evidence.⁶

ANALYSIS

Appellant alleged that his federal employment caused stress and hypertension. He submitted medical evidence in support of his claim. However, appellant did not submit any detailed description of any specific employment factors that he believed caused his condition. By letter dated June 28, 2007, the Office informed appellant of the evidence needed to support his claim. Appellant was asked to provide a detailed statement regarding these employment conditions or incidents which he believed contributed to his condition. He submitted additional medical evidence but did not submit a statement or any description of the employment factors he believed caused or contributed to his condition. As appellant submitted no factual evidence identifying the employment factors or incidents alleged to have caused or contributed to his condition, he failed to establish a compensable factor of employment. Mere perceptions of

¹ 5 U.S.C. §§ 8101-8193.

² See *Thomas D. McEuen*, 41 ECAB 387 (1990), *reaff'd on recon.*, 42 ECAB 566 (1991); *Lillian Cutler*, 28 ECAB 126 (1976).

³ *Pamela R. Rice*, 38 ECAB 838, 841 (1987).

⁴ *Effie O. Morris*, 44 ECAB 470, 473-74 (1993).

⁵ See *Norma L. Blank*, 43 ECAB 384, 389-90 (1992).

⁶ *Id.*

harassment or discrimination are not compensable under the Act.⁷ Appellant did not address any specific incidents of harassment or discrimination. For this reason, he has failed to establish a *prima facie* claim for compensation.

A claimant's burden of proof includes the submission of a detailed description of those employment factors or conditions which he believes caused or adversely affected the condition for which compensation is claimed.⁸ Appellant failed to identify any factors to which he attributed his claimed condition. He has failed to establish his claim.⁹

CONCLUSION

The Board finds that appellant has failed to meet his burden of proof to establish that he sustained an emotional condition in the performance of duty causally related to factors of his federal employment.

ORDER

IT IS HEREBY ORDERED THAT the August 3, 2007 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: July 1, 2008
Washington, DC

David S. Gerson, Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge
Employees' Compensation Appeals Board

⁷ See *James E. Norris*, 52 ECAB 93 (2000).

⁸ *David Apgar*, 57 ECAB 137 (2005).

⁹ *Charles D. Gregory*, 57 ECAB 322 (2006) (where an employee fails to identify specific employment factors believed to be responsible for a claimed condition, the employee does not meet his or her burden of proof in establishing a claim for compensation).