

**United States Department of Labor  
Employees' Compensation Appeals Board**

---

**M.B., Appellant**

**and**

**U.S. POSTAL SERVICE, INCOMING MAIL  
FACILITY, Linthicum, MD, Employer**

---

)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

**Docket No. 08-606  
Issued: July 11, 2008**

*Appearances:*  
*Appellant, pro se*  
*Office of Solicitor, for the Director*

*Case Submitted on the Record*

**DECISION AND ORDER**

Before:

COLLEEN DUFFY KIKO, Judge  
MICHAEL E. GROOM, Alternate Judge  
JAMES A. HAYNES, Alternate Judge

**JURISDICTION**

On December 20, 2007 appellant timely appealed a December 10, 2007 merit decision of the Office of Workers' Compensation Programs, which denied his claim for an employment-related emotional condition. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3(d), the Board has jurisdiction over the merits of the claim.

**ISSUE**

The issue is whether appellant sustained an emotional condition in the performance of duty on January 23, 2007.

**FACTUAL HISTORY**

This case was previously on appeal.<sup>1</sup> Appellant, a 49-year-old mail processing equipment mechanic, filed a traumatic injury claim for stress he attributed to a January 23, 2007 incident involving his supervisor, Delbert Tullius, Jr. The Office initially denied the claim based

---

<sup>1</sup> Docket No. 07-1289 (issued September 25, 2007).

on appellant's failure to establish fact of injury. On appeal, the Board found that the evidence established that "Mr. Tullius [had] made physical contact with appellant on January 23, 2007." Having found a compensable employment factor, the Board remanded the case for the Office to address the medical evidence.<sup>2</sup>

On January 24, 2007 appellant sought treatment at the Veterans Affairs Medical Center (VAMC) in Baltimore, MD. He had been a patient at the VAMC mental health clinic since May 2005. Dr. Nicky Lankerani, a psychiatry resident, had treated appellant since July 2006 consisting of weekly psychotherapy sessions and medication management. She diagnosed mood disorder, anxiety disorder and post-traumatic stress disorder. Dr. Lankerani noted that during therapy sessions appellant reported significant work-related stress due to problems with management. Appellant also reported having been harassed and degraded, excluded from meetings and denied breaks. Dr. Lankerani noted that appellant claimed he had been told he had nothing important to say. She also referenced appellant having been chided about illiteracy. Dr. Lankerani noted that "most recently [appellant was] hit on the shoulder by the supervisor for not responding to the harassment." She explained that, because of long-standing problems with anxiety, mood swings and hypervigilance, appellant had difficulty coping with work-related stressors. Dr. Lankerani also indicated that appellant's frustrations at work contributed to problems with self-esteem and mood. She advised that, given the problems with current stresses, appellant might benefit from being transferred to another post office branch or work environment. Dr. Lankerani excused appellant from work for four days beginning January 24, 2007. She later excused his absence during the period March 2 to 19, 2007 due to "work-related stress."

In a decision dated December 10, 2007, the Office considered appellant's VAMC treatment records and Dr. Lankerani's January 24, 2007 report. It found that the medical evidence was insufficient to establish that appellant's diagnosed psychiatric conditions were causally related to the January 23, 2007 employment incident involving Mr. Tullius. The Office denied appellant's claim.

### **LEGAL PRECEDENT**

To establish that he sustained an emotional condition causally related to factors of his federal employment, appellant must submit: (1) factual evidence identifying and supporting employment factors or incidents alleged to have caused or contributed to his condition; (2) rationalized medical evidence establishing that he has an emotional condition or psychiatric disorder; and (3) rationalized medical opinion evidence establishing that his emotional condition is causally related to the identified compensable employment factors.<sup>3</sup>

---

<sup>2</sup> The Board's September 25, 2007 decision is incorporated herein by reference.

<sup>3</sup> See *Kathleen D. Walker*, 42 ECAB 603 (1991). Causal relationship is a medical question, which generally requires rationalized medical opinion evidence to resolve the issue. See *Robert G. Morris*, 48 ECAB 238 (1996). A physician's opinion on whether there is a causal relationship between the diagnosed condition and the implicated employment factors must be based on a complete factual and medical background. *Victor J. Woodhams*, 41 ECAB 345, 352 (1989). Additionally, the physician's opinion must be expressed in terms of a reasonable degree of medical certainty, and must be supported by medical rationale, explaining the nature of the relationship between the diagnosed condition and appellant's specific employment factors. *Id.*

**ANALYSIS**

In her January 24, 2007 report, Dr. Lankerani explained that, because of long-standing problems with anxiety, mood swings and hypervigilance, appellant had difficulty coping with work-related stressors. She also stated that appellant's frustrations at work contributed to problems with self-esteem and mood. Dr. Lankerani's statement regarding appellant's "frustrations at work" is too vague to establish causal relationship. Although Dr. Lankerani mentioned that appellant had recently reported being "hit on the shoulder by the supervisor ...," physician did not address how this particular incident caused or aggravated appellant's psychiatric condition. The Board finds that the medical evidence does not establish that appellant's mood disorder, anxiety disorder or post-traumatic stress disorder were caused or aggravated by the January 23, 2007 employment incident. Accordingly, the Office properly denied appellant's emotional condition claim.

**CONCLUSION**

Appellant failed to establish that his diagnosed psychiatric disorders were causally related to the January 23, 2007 employment incident.

**ORDER**

**IT IS HEREBY ORDERED THAT** the December 10, 2007 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: July 11, 2008  
Washington, DC

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board

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

James A. Haynes, Alternate Judge  
Employees' Compensation Appeals Board