

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

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**D.L., Appellant**

**and**

**U.S. POSTAL SERVICE, POST OFFICE,  
Shamokin Dam, PA, Employer**

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**Docket No. 09-1103  
Issued: February 26, 2010**

*Appearances:*

*Alan J. Shapiro, Esq., for the appellant  
Office of Solicitor, for the Director*

*Case Submitted on the Record*

**DECISION AND ORDER**

Before:

DAVID S. GERSON, Judge  
COLLEEN DUFFY KIKO, Judge  
JAMES A. HAYNES, Alternate Judge

**JURISDICTION**

On March 12, 2009 appellant filed a timely appeal from the Office of Workers' Compensation Programs' merit decisions dated August 22, 2008 and February 20, 2009, denying her emotional condition claim. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of the case.

**ISSUE**

The issue is whether appellant met her burden of proof to establish that she sustained an emotional condition in the performance of duty.

**FACTUAL HISTORY**

On February 20, 2008 appellant, a 50-year-old window and distribution clerk, filed an occupational disease claim alleging a worsening of her preexisting depression on January 12, 2007 due to conditions of her federal employment. She stated that her employer caused her severe mental anguish by placing unnecessary demands on her. Appellant stopped work on November 8, 2007 and did not return.

In a February 20, 2008 statement, appellant alleged that management verbally and emotionally abused her and intentionally made extreme demands and imposed extra duties on her that aggravated her health and her previously diagnosed post-traumatic stress disorder (PTSD). She noted that she suffered from severe fatigue and exhaustion as a result of having undergone a bone marrow transplant for nonHodgkins lymphoma in 1995 and that she worked part time because of her weakened immune system and her endurance capability. Appellant stated that her managers were aware of her disability.

Appellant indicated that in April 2006, she began working full time “because of a full time vacancy at my office and I was the only person available to work.” She alleged that the mail volume tripled at her location during this period of time; due to address changes associated with local 911 services, and that she performed the duties of two full-time people. Appellant repeatedly requested help from the officer in charge, but the requests were denied and her managers showed no concern and blatantly disregarded her requests. She alleged that the managers in Harrisburg were outwardly abusive when she telephoned them for help, thereby creating a hostile work environment. The managers made extreme demands on appellant and made no effort to find personnel in the area to work. Phil Maurosi told her that part-time flexible (PTF) were more or less expendable, stating, “A PTF, is a PTF, is a PTF.” Appellant stated that she filed a grievance in order to convert the part-time clerk position to a full-time position and then sustained her own grievance once she became a manager. Although she allegedly filed the grievance on the advice of the union president, she was told by management that she broke a rule by sustaining it and was removed from her job for misconduct. Appellant contended that her removal was “absolutely unfair and unethical” and the accusations of misconduct were all erroneous, “since I made every effort to perform my job according to all instructions I received” and was unaware that she violated any rules. She stated that the employing establishment’s actions caused severe anxiety and depression.

On February 25, 2008 the employing establishment controverted appellant’s claim. It contended that her removal for cause on October 2, 2007 was an administrative act and, therefore, not compensable.

Appellant submitted medical reports from Patricia Horton, Ph.D, a clinical psychologist. On February 13, 2008 Dr. Horton diagnosed adjustment disorder, with depression and anxiety and some PTSD. She indicated that appellant’s depression was, in part, due to a “previous work stress situation.” The record contains reports for the period from October 23, 2007 through February 19, 2008 from Rochelle Lenker, a physician’s assistant, who treated appellant for backache and left knee pain and hypertension.

On March 21, 2008 the Office informed appellant that the evidence submitted was insufficient to establish her claim. It advised her to describe in detail the employment-related conditions or incidents which she believed contributed to her claimed condition and a detailed narrative medical report from a psychiatrist that explained how factors of her federal employment duties contributed to the condition diagnosed. The Office also asked appellant to provide any evidence she possessed, which demonstrated that her employer erred or acted abusively in the administrative matters.

In an internal memorandum dated April 30, 2007, Harrisburg Operations Manager Michael Becker provided a synopsis of a grievance settlement involving appellant, “the PTF clerk in Shamokin Dam.” He stated that in 2006, she was made the officer in charge after it was determined that the postmaster vacancy was going to be longer than initially anticipated. During this time, appellant received a grievance requesting the conversion of a “PTF” to “FTR,” which she sustained. Mr. Becker noted that the postmaster had historically worked approximately four hours per day. He observed that, as the position appellant agreed to make full time was her own position, she had “in essence used her federal position for personal gains.”

In an August 31, 2007 letter to Gina Meade, appellant related that a postal inspector had interrogated her about a customer complaint regarding a certified letter that she had allegedly handled improperly. She stated that she had received a letter from a disgruntled contractor. Appellant acknowledged that she opened the letter, read the contents, resealed it and mailed it back to the sender. She indicated that she was not aware at the time that she had acted improperly.

In a letter dated September 8, 2007, appellant complained to the employing establishment that the new postmaster was cutting her hours due to low volume and was performing tasks formerly assigned to her. She noted that she had worked as a full-time clerk for six months after the postmaster was transferred to another office in April 2006. Appellant became the officer-in-charge and worked full time until April 2007, when she relinquished the position because she did not have proper staffing and made the decision to go back to being a PTF. She alleged that she had often asked for help but never received any.

In an undated letter to the employing establishment, appellant advocated for the conversion of her position from part time to full time. She stated that she had been working as officer in charge for several months and full-time clerk prior to the current assignment. Appellant argued that the bylaws of the national agreement called for the conversion of the position to full time after an employee has worked full time for six months. She also contended that the establishment of a full-time clerk position would alleviate confusion and delays caused by changes in the mail due to the addition of “911” services, by allowing the mail to be transported to the correct location and would provide needed support to accommodate an increased volume of mail in an expanding community.

The record contains a copy of a November 7, 2007 Equal Employment Opportunity (EEO) complaint in which appellant alleged that the employing establishment retaliated against her for sustaining her grievance, which approved the conversion of her position from part time to full time, by first reducing her hours and then by terminating her employment. Appellant also alleged discrimination based on sex.

Appellant submitted copies of memorana to the employing establishment, dated December 28, 2006 to April 13, 2007, requesting additional personnel, in the form of a relief clerk or postmaster, at the Shamokin Dam location, as well as complaints about general operating procedures.

In a July 23, 2007 statement made to a postal inspector, appellant indicated that her decision to convert her position from part time to full time was based on the extreme increase in

the volume of mail at that time, due to 911 changes. All of the decisions made in her capacity as officer in charge were discussed with and made upon the recommendation of, the union president.

The record contains witness statements from postal customers Yvonne Wersen and Barbara Adams. Appellant reportedly told Ms. Wersen that she was overwhelmed by the “911” changes and was experiencing stress, which aggravated her immune system. On April 9, 2008 Ms. Adams stated that she was aware that appellant’s workload increased with the onset of the “911” address changes. Appellant was frustrated about her inability to keep up with the work and the fact that the Office was understaffed. On April 21, 2008 Marilyn Beattie, a cleaning contractor for the employing establishment, stated that appellant was short-staffed and worked long hours, with no back-up system. She indicated that appellant single-handedly ran an office that previously had a full-time postmaster and a part-time clerk and that her requests for help were denied.

In an undated statement, appellant reiterated her claim that she was overworked and mistreated by management during her tenure at Shamokin Dam. When the former postmaster transferred to another office, appellant assumed her responsibilities. Appellant managed the office by herself and was extremely overworked because of the mail changes in the area. When she requested additional personnel, she was told that “nobody was available” or that there was not enough space. Appellant was informed by Ms. Meade that according to union agreement, if a part-time clerk works full time for six continuous months, the part-time clerk qualifies for a conversion to full time. She reportedly did work six months as a level 06 clerk and filed a grievance with the union president to establish another full-time position at the office. Appellant sustained the grievance shortly after she became the officer-in-charge. She was unaware of any wrongdoings and her intentions were to have adequate staffing. Appellant felt helpless, frustrated with and totally used by her managers because they were so uncooperative and unwilling to help with the situation; so, she resigned as the office manager. After her resignation, her managers became even more abusive and she was told that clerks were expendable. Appellant was interrogated by a postal inspector as to why she sustained the grievance and was reprimanded and interrogated by Mike Wolfberg about customer complaints. Mr. Wolfberg inquired as to why the back door was unlocked, why she failed to respond to a customer when he wanted his mail before the office was open and about her use of the office computer. Appellant stated that she believed that the employing establishment was trying to eliminate her position and “get rid of [her].” As a result of the establishment’s actions, she became severely depressed and withdrawn. Appellant alleged that, in retaliation for her resignation, management put her under a microscope and charged her with three counts of misconduct and unsatisfactory work performance in a letter of removal. She became extremely overworked and overburdened because of the changes in her office. Appellant’s work schedule went from 25 hours a week to over 50 hours. She was suffering from extreme depression and developed physical problems, as a result of the working conditions and the demands placed on her by her employer. Appellant alleged that she was not given a reason for the denial of her application for the postmaster position.

On April 23, 2008 the employing establishment responded to appellant’s allegations. The staffing matrix at Shamokin Dam was one full-time postmaster and one part-time flexible clerk for lunch relief, Saturday work, occasional holiday work and filling in for the postmaster when

he is on leave. Appellant was part time because there was no other position available in this small office. In order to obtain a full-time position, she would have to transfer to another office or apply for a promotion into a full-time position. Both of these were available options. The employing establishment indicated that demands and duties were not extreme and were the same as assigned to other postmasters and officers in charge.

The employing establishment contended that appellant's removal for cause was an administrative act and, therefore, not compensable, as there was no evidence of error or abuse. Phil Marousi, Acting Manager, Post Office Operations at the time of her removal, stated that proper procedures were followed during the application process for Shamokin Dam postmaster and that the hiring review committee did not list her as one of the recommended applicants.

The employing establishment asserted that appellant's hours were not improperly reduced. In an office the size of Shamokin Dam, once a PTF reports to work on a scheduled day, she is guaranteed a minimum of two hours work. PTF hours fluctuate with the workload and can be as little as 2 hours a week or as much as 56 hours or more, in a week. Appellant's hours were reduced from four hours (two in the morning and two for lunch relief) to two hours per day, because the morning workload did not require two employees to sort the mail.

The employing establishment reported that the mail volume did not triple, as alleged, due to the "911" changes. In fact, a reduction in mail volume resulted from the automation of the P.O. Box mail and an increase in direct delivery service to residences from a neighboring employing establishment, therefore, the time required by postal employees to handle mail in the office was lessened.<sup>1</sup>

Mr. Marousi disputed appellant's claim that she was performing the work of two full-time people. He stated that the staffing authorized for Shamokin Dam and other employing establishment of similar size and revenue, was one full-time Postmaster and one PTF Clerk and the office has never been authorized 16 hours a day for permanent staffing. Mr. Marousi had explained to appellant that, as a PTF clerk, she was not guaranteed hours and that her schedule was flexible, dependent upon mail volume fluctuations. He stated that he was not aware of appellant's previous health issues.

Mr. Wolfberg, acting Postmaster of Shamokin Dam, advised that he was aware of appellant's previous health issues, but noted that she never indicated that she was unable to perform her assigned duties or that the duties were affecting her in any way. Further, appellant did have lunch relief and she did at times provide personnel to cover her scheduled time off. Mr. Wolfberg said that she was working Saturday also and appeared happy to get the overtime. "[Appellant] did not complain." Mr. Wolfberg advised that the volume did not triple; rather, it dropped. He estimated about 50 P.O. Box customers were lost from Shamokin Dam to Selinsgrove as new rural deliveries. The creation of the rural deliveries for some folks in Shamokin Dam further reduced workload, in that their mail became automated. That is, letter

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<sup>1</sup> Mr. Marousi explained that the mail for new residential deliveries resulting from the "911" changes would not be sorted at or picked up from Shamokin Dam, but from a neighboring employing establishment. That would be a reduction, not an increase in mail volume.

mail was sorted into P.O. box order, so that the time it took to place this mail into the P.O. boxes was significantly reduced.

The record contains an October 2, 2007 Notice of Removal informing appellant of the employing establishment's intent to terminate her employment effective November 10, 2007 for the following violations: sustaining a grievance to convert her PTF clerk position to a full-time position; sustaining a grievance to approve an award of compensation for all hours that she was allegedly performing bargaining unit work while working as a PFT clerk; abusing her position as a postal employee by opening, examining and resealing certified mail and returning it to sender without additional postage; and assigning herself a free P.O. box in Shamokin Dam when she was not a resident of Shamokin Dam. The employing establishment determined that appellant's actions were in violation of the 18 U.S.C. § 208(a) and the Standards of Conduct, 5 C.F.R. Part 2635 because she participated in an official capacity in a particular matter that affected her personal interests. She violated the provisions of the Domestic Manual Manual (DMM) by refusing mail after it had been opened. Further, appellant improperly awarded herself a free P.O. box.

In an undated letter, appellant informed the union representative that "management was breathing heavily down [her] neck and trying to reduce [her] hours at Shamokin [Dam] [employing establishment.]" She stated that she had no desire to work in other facilities. Appellant stated, "Just because someone new steps in as OIC, there should be no drastic changes done that would cause a disruption in the office." She disagreed with management's suggestion that the officer in charge perform clerk duties, because she could not "see how one person working here can wait on the window (which is busy) and also distribute mail." Appellant asked the representative to "tell management to back off and leave [her] alone."

Appellant submitted a February 27, 2007 report from Dr. John L. Gerdes, a clinical psychologist, who diagnosed depressive disorder.

In an August 22, 2008 decision, the Office denied appellant's claim on the grounds that she had not established a compensable employment factor.

On August 25, 2008 appellant, through, counsel requested an oral hearing. At the December 8, 2008 hearing, she testified that she was required to work more than 25 hours per week; that she was handling the workload of two people; and that her requests for assistance were denied. Appellant stated that the employing establishment's statement to the effect that there was no increase in mail volume due to "911" changes was false. She represented that the number of parcels increased from 20 per day to between 75 and 80 per day, plus mail delivery. Appellant alleged that the establishment retaliated against her by reducing her hours and that she was unfairly denied the postmaster position.

Appellant submitted additional medical evidence, including a February 26, 2007 report from Dr. Gerdes, who diagnosed depression; a February 27, 2007 report from Dr. Hesham I. Nagi, a treating physician, who diagnosed depression due to stress at work; and a December 14, 2007 report from Dr. Elana T. Bloom, a Board-certified internist, who treated appellant for issues related to nonHodgkins lymphoma.

The union filed a grievance on appellant's behalf to protest her removal from employment. After the employing establishment denied the grievance, the union invoked arbitration. In a November 15, 2008 opinion and award, the arbitration panel found that the employing establishment had provided appellant with the due process required, had complied with the procedural requirements of the National Agreement, had proved appellant guilty of the charges against her and had established that removal was an appropriate penalty for her proven misconduct. The panel found that appellant was guilty of improperly issuing herself and approximately 100 customers free P.O. boxes, in violation of applicable regulations; improperly opening a letter addressed to her and then returning it as refused, without applying return postage; and sustaining two grievances in which she had a personal interest.

On December 30, 2008 the employing establishment responded to the hearing transcript. It contended that appellant's testimony was contradictory, as she first stated that she was mistreated by her coworkers, yet later testified that she worked alone. The employing establishment also noted that appellant's claimed perception that the work was beyond her capacity to perform was not based on an accurate factual scenario. It stated, "The reality is that the workload declined."

By decision dated February 20, 2009, the Office hearing representative affirmed the August 22, 2008 decision, finding that appellant had not established a compensable factor of employment.

### **LEGAL PRECEDENT**

To establish a claim that an emotional condition arose in the performance of duty, a claimant must submit the following: (1) medical evidence establishing that he has an emotional or psychiatric disorder; (2) factual evidence identifying employment factors or incidents alleged to have caused or contributed to the condition; and (3) rationalized medical opinion evidence establishing that the identified compensable employment factors are causally related to the emotional condition.<sup>2</sup>

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 employment but nevertheless does not come within the concept or coverage of workers' compensation. Where the medical evidence establishes that the disability results from an employee's emotional reaction to his regular or specially assigned employment duties or to a requirement imposed by the employing establishment, the disability comes within coverage of the Federal Employees' Compensation Act. The same result is reached when the emotional disability resulted from the employee's emotional reaction to the nature of his work or his fear and anxiety regarding his ability to carry out his work duties.<sup>3</sup> By contrast, there are disabilities having some kind of causal connection with the employment that are not covered under workers' compensation law because they are not found to have arisen out of employment, such as when disability results from an employee's fear of reduction-in-force or frustration from

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<sup>2</sup> *D.L.*, 58 ECAB 667 (2006).

<sup>3</sup> *Ronald J. Jablanski*, 56 ECAB 616 (2005); *Lillian Cutler*, 28 ECAB 125, 129 (1976).

not being permitted to work in a particular environment or to hold a particular position.<sup>4</sup> An employee's emotional reaction to an administrative or personnel matter is generally not covered by workers' compensation. The Board has held, however, that error or abuse by the employing establishment in an administrative or personnel matter may afford coverage.<sup>5</sup>

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 a physician when providing an opinion on causal relationship and which working conditions are not deemed factors of employment and may not be considered. 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 record establishes the truth of the matter asserted, the Office must base its decision on an analysis of the medical evidence.<sup>6</sup>

The Board has held that allegations, alone, by a claimant are insufficient to establish a factual basis for an emotional condition claim but must be substantiated by probative evidence.<sup>7</sup> Perceptions and feelings alone are not compensable. To establish entitlement to benefits, a claimant must establish a basis in fact for the claim by supporting her allegations with probative and reliable evidence. When the matter asserted is a compensable factor of employment and the evidence of record establishes the truth of the matter asserted, the Office must base its decision on an analysis of the medical evidence.<sup>8</sup>

It is well established that an investigation is generally related to the performance of an administrative function by the employer and is not a compensable factor absent evidence of error or abuse.<sup>9</sup>

With regard to claims under the Act, the Board has held that the determination of an employee's rights or remedies under other statutory authority does not establish entitlement to benefits under the Act. Under the Act, to establish disability, an employee's injury must be shown to be causally related to an accepted injury or accepted factors of his or her federal employment. For this reason, the determinations of other administrative agencies or courts, while instructive, are not determinative with regard to disability arising under the Act. Findings

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<sup>4</sup> *Id.*

<sup>5</sup> *Margreate Lublin*, 44 ECAB 945 (1993). See generally *Thomas D. McEuen*, 41 ECAB 387 (1990), *reaff'd on recon.*, 42 ECAB 566 (1991).

<sup>6</sup> *D.L.*, *supra* note 2; *T.G.*, 58 ECAB 189 (2006); *C.S.*, 58 ECAB 137 (2006); *A.K.*, 58 ECAB 119 (2006).

<sup>7</sup> *Charles E. McAndrews*, 55 ECAB 711 (2004); see also *Arthur F. Hougens*, 42 ECAB 455 (1991); *Ruthie M. Evans*, 41 ECAB 416 (1990) (in each case, the Board looked beyond the claimant's allegations to determine whether or not the evidence established such allegations).

<sup>8</sup> *C.F.*, 60 ECAB \_\_\_\_ (Docket No. 08-1102, issued October 10, 2008).

<sup>9</sup> *Id.*



made by the MSPB or EEO Commission may constitute substantial evidence relative to a claim to be considered by the Office and the Board.<sup>10</sup>

### ANALYSIS

Appellant alleged that management verbally and emotionally abused her and intentionally made extreme demands and imposed extra duties on her that aggravated her health and her previously diagnosed PTSD. The Board finds that appellant failed to establish a compensable factor of employment.

Appellant has alleged that she experienced an emotional reaction to certain employment duties which, if established, could constitute a compensable factor of employment under the Act.<sup>11</sup> However, she has failed to provide a factual basis for her claim. Appellant alleged that she was overworked due to a tripling in mail volume resulting from “911” changes and that she began performing the work of two employees when the postmaster transferred from the Shamokin Dam location. She asserted that her hours increased from 25 to more than 50 hours per week and the number of parcels grew from 20 to between 75 and 80 per day, plus mail delivery. Appellant claimed that she was only employee at her location and that she was given no relief for lunch or days off.

The employing establishment controverted appellant’s claim that the mail volume tripled due to the “911” changes, stating that the automation of the P.O. Box mail, plus an increase in direct delivery service to residences from a neighboring employing establishment, actually resulted in a reduction in mail volume. The employing establishment disputed that appellant was performing the work of two full-time people, noting that the office had never been authorized 16 hours a day for permanent staffing. The acting Postmaster advised that appellant never indicated that she was unable to perform her assigned duties or that the duties were affecting her in any way; that she did have lunch relief; and he did at times provide personnel to cover her scheduled time off. He stated that the volume did not triple, but dropped, estimating that about 50 P.O. Box customers were lost from Shamokin Dam to Selinsgrove as new rural deliveries. The only evidence submitted by appellant in support of her allegations consisted of witness statements from postal customers, to whom she apparently related her complaints. As their statements were based upon appellant’s representations, rather than on objective facts, they do not constitute probative evidence. Moreover, they do not address the specifics of any allegations raised by appellant. The Board finds that there is insufficient evidence to establish appellant’s allegations regarding her workload as factual. Therefore, they are not deemed compensable factors of employment.

Appellant alleged that the employing establishment unfairly terminated her employment based on erroneous accusations of misconduct; blatantly disregarded her requests for additional personnel; unfairly denied her application for the postmaster position, without explanation; reduced her hours in retaliation for resigning her post; inappropriately “put her under a microscope “ and “breathed down her neck;” and unfairly subjected her to an investigation. The

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<sup>10</sup> See *Beverly R. Jones*, 55 ECAB 411 (2004).

<sup>11</sup> See *supra* note 3 and accompanying text.

Board finds that these allegations relate to administrative or personnel matters, unrelated to her regular or specially assigned work duties and, therefore, do not fall within the coverage of the Act.<sup>12</sup> Although the handling of disciplinary actions and leave requests, the assignment of work duties and the monitoring of work activities are generally related to the employment, they are administrative functions of the employer and not duties of the employee.<sup>13</sup> However, the Board has also found that an administrative or personnel matter will be considered to be an employment factor where the evidence discloses error or abuse on the part of the employing establishment. In determining whether the employing establishment erred or acted abusively, the Board has examined whether the employing establishment acted reasonably.<sup>14</sup> In this case, appellant has not submitted sufficient evidence to show that the employing establishment committed error or abuse with respect to administrative matters.

Appellant was terminated for cause. Although she contended that she should not have been terminated because she acted in good faith and was unaware of any wrongdoing, the evidence of record establishes that appellant issued herself and approximately 100 customers free P.O. boxes, in violation of applicable regulations, improperly opened a letter addressed to her and then returning it as refused, without applying return postage and sustained two grievances in which she had a personal interest. Appellant has not submitted any evidence to refute these charges. The Board notes, the arbitration panel found that the employing establishment had proved her guilty of the charges against her and had established that removal was an appropriate penalty for her proven misconduct. While the determinations of other administrative agencies or courts, while instructive, are not determinative with regard to disability arising under the Act, findings made by these agencies may constitute substantial evidence relative to a claim to be considered by the Office and the Board.<sup>15</sup> The Board finds that the employing establishment did not err in terminating appellant for cause.

Appellant alleged that the employing establishment blatantly disregarded her requests for additional personnel; unfairly reduced her hours; and improperly denied her application for the postmaster position. She stated that her supervisor “put her under a microscope,” inquiring as to why the back door was left unlocked, why she failed to respond to a customer when he wanted his mail before the office was open and about her use of the office computer. The employing establishment explained that the workload reduction at Shamokin Dam did not warrant additional personnel. Further, appellant’s hours as a PTF, which were not guaranteed and fluctuated with the workload, were reduced from four hours to two hours per day, because the morning workload did not require two employees to sort the mail. She provided no evidence to support her contention that her supervisor reduced her hours in retaliation for her resignation as officer in charge. The employing establishment also stated that proper procedures were followed during

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<sup>12</sup> See *Lori A. Facey*, 55 ECAB 217 (2004). See also *Janet I. Jones*, 47 ECAB 345, 347 (1996); *Jimmy Gilbreath*, 44 ECAB 555, 558 (1993); *Apple Gate*, 41 ECAB 581, 588 (1990); *Joseph C. DeDonato*, 39 ECAB 1260, 1266-67 (1988). See also *Jimmy B. Copeland*, 43 ECAB 339 (1991) (An investigation by the employing establishment is an administrative matter).

<sup>13</sup> *Id.*

<sup>14</sup> See *Richard J. Dube*, 42 ECAB 916, 920 (1991).

<sup>15</sup> See *Beverly R. Jones*, 55 ECAB 411 (2004).

the application process for Shamokin Dam postmaster and that that the hiring review committee did not list appellant as one of the recommended applicants. Additionally, appellant has provided no evidence that management's monitoring of her work activities was unreasonable. Therefore, there is no evidence of error or abuse with regard to these administrative matters.

Appellant has presented no evidence of administrative error or abuse in the investigation of actions taken by appellant. The employing establishment's decision to investigate allegations that she issued herself and approximately 100 customers free P.O. boxes, in violation of applicable regulations, improperly opened a letter addressed to her and then returning it as refused, without applying return postage and sustained two grievances in which she had a personal interest, was not only reasonable, but appropriate.

Appellant alleged that her managers were verbally and emotionally abusive; that they were outwardly abusive when she telephoned them for help and created a hostile work environment; and that Mr. Maurosi told her that PTFs were expendable. While the Board has recognized the compensability of verbal abuse in certain situations, this does not imply that every statement uttered in the workplace will give rise to coverage under the Act.<sup>16</sup> General allegations that management treated appellant unfairly and created a hostile environment are insufficient to establish that harassment did, in fact, occur. As noted, the employing establishment's assignment of personnel, absent error or abuse, is not compensable. Additionally, while Mr. Maurosi's statement that PTFs are expendable may have offended appellant, it does not rise to the level of abuse. Thus, the Board finds that appellant has not established a compensable employment factor under the Act with respect to these allegations of harassment and verbal abuse..

Appellant asserted her belief that the management was trying to eliminate her job and "get rid of her." She also stated that she felt helpless, frustrated and totally used by management. The Board finds that these feelings must be considered self-generated. Further, appellant disagreed with management's decision that postmasters should perform the duties of clerks, thereby reducing the need for additional employees. The Board has held that an employee's dissatisfaction with perceived poor management constitutes frustration from not being permitted to work in a particular environment and is, therefore, not compensable under the Act.<sup>17</sup> Consequently, appellant has not established a compensable factor of employment with regard to these matters.

As appellant has not established a compensable factor of employment, she has failed to meet her burden of proof to establish that she sustained an emotional condition in the performance of duty.<sup>18</sup>

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<sup>16</sup> See *Leroy Thomas, III*, 46 ECAB 946, 954 (1995).

<sup>17</sup> See *Cyndia R. Harrill*, 55 ECAB 522.

<sup>18</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 (1992).

**CONCLUSION**

The Board finds that appellant has failed to meet her burden of proof to establish that she sustained an emotional condition in the performance of duty.

**ORDER**

**IT IS HEREBY ORDERED THAT** the decisions of the Office of Workers' Compensation Programs dated February 20, 2009 and August 22, 2008 are affirmed.

Issued: February 26, 2010  
Washington, DC

David S. Gerson, Judge  
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge  
Employees' Compensation Appeals Board

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