United States Department of Labor
Employees' Compensation Appeals Board

T.B., Appellant	)	
and	)	**Docket No. 23-0675**
	)	**Issued: June 24, 2024**
U.S. POSTAL SERVICE, MID ISLAND PROCESSING & DISTRIBUTION CENTER, Melville, NY, Employer	)	

Appearances:
Stephen Larkin, for the appellant[1]
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:
PATRICIA H. FITZGERALD, Deputy Chief Judge
VALERIE D. EVANS-HARRELL, Alternate Judge
JAMES D. McGINLEY, Alternate Judge

JURISDICTION

On April 8, 2023 appellant, through his representative, filed a timely appeal from an October 14, 2022 merit decision of the Office of Workers' Compensation Programs (OWCP).[2] Pursuant to the Federal Employees' Compensation Act[3] (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction to consider the merits of this case.

[1] In all cases in which a representative has been authorized in a matter before the Board, no claim for a fee for legal or other service performed on appeal before the Board is valid unless approved by the Board. 20 C.F.R. § 501.9(e). No contract for a stipulated fee or on a contingent fee basis will be approved by the Board. *Id.* An attorney or representative's collection of a fee without the Board's approval may constitute a misdemeanor, subject to fine or imprisonment for up to one year or both. *Id.*; *see also* 18 U.S.C. § 292. Demands for payment of fees to a representative, prior to approval by the Board, may be reported to appropriate authorities for investigation.

[2] The Board notes that following the October 14, 2022 decision, OWCP received additional evidence. However, the Board's *Rules of Procedure* provides: "The Board's review of a case is limited to the evidence in the case record that was before OWCP at the time of its final decision. Evidence not before OWCP will not be considered by the Board for the first time on appeal." 20 C.F.R. § 501.2(c)(1). Thus, the Board is precluded from reviewing this additional evidence for the first time on appeal. *Id.*

[3] 5 U.S.C. § 8101 *et seq.*

ISSUE

The issue is whether appellant has met his burden of proof to establish an emotional/stress-related condition in the performance of duty, as alleged.

FACTUAL HISTORY

On December 14, 2019 appellant, then a 46-year-old tractor trailer operator (TTO), filed an occupational disease claim (Form CA-2) alleging that he developed depressive disorder and panic attacks due to factors of his federal employment. He noted that he first became aware of his condition on October 31, 2019 and realized its relation to his federal employment on November 12, 2019. Appellant stopped work on October 31, 2019.

On October 30, 2019 appellant filed a grievance alleging that J.D., a supervisor, had harassed him on that date and had instructed him to come inside for training on the hand jack. He further alleged that on October 29, 2019 J.D. warned C.P., a union shop steward, that if appellant did not use the pallet jack, he would be walked out.

In an October 31, 2019 e-mail, appellant's supervisor, B.M., recounted that appellant called dispatch to report that he needed assistance loading a pallet onto his truck at the Port Jefferson Post Office. B.M. called the Port Jefferson Post Office supervisor, D.D., to request help for appellant, but appellant then reported that he feared D.D. Appellant related feeling anxious and scared. He did not believe that he should drive and requested an ambulance.

In November 12 and 25, 2019 reports, Dr. Jonathan Levison, a clinical psychologist, diagnosed major depressive disorder, sleep disorder, and panic attacks beginning on October 3, 2019. He attributed these conditions to the actions of appellant's supervisors.

In a December 10, 2019 narrative statement, appellant attributed his emotional condition to harassment from J.D., an acting supervisor, which began when he was hired and escalated on October 26, 2018. J.D. required that he use a pallet jack to take the mail to and from the dock to load and unload his truck at the Bellport Post Office. Appellant asserted that he was not familiar with or trained in pallet jack operations. He requested that a mail handler utilize the pallet jack, but the mail handler refused. Appellant spoke to B.M. and was advised not to use the pallet jack and that he would "take care of it." J.D. then directly ordered appellant to use the pallet jack. Appellant asserted that the use of a pallet jack was not within the responsibilities of a TTO, that it was unsafe to use without training, and that J.D. repeatedly forced him to use the pallet jack. In another instance, when a new supervisor instructed him to use the pallet jack, appellant reached out to B.M., who asserted that mail handlers, not TTOs, were required to use the pallet jack to follow proper safety guidelines. Also, in mid-July 2018, J.D. directed appellant to travel faster than 50 miles per hour while driving.

OWCP received appellant's TTO position description, which noted that he was required to operate a tractor-trailer, pick up and deliver bulk quantities of mail, ascertain the condition of his tractor-trailer, make emergency decisions, and prepare daily trip reports. There were no specific requirements for TTOs to use a pallet jack or a hand jack.

In an undated statement, J.D. alleged that when appellant began working as a union shop steward in October 2018, he became very defiant about using pallet jacks and other equipment.

He asserted that appellant was required to assist in loading and unloading trucks. J.D. denied suggesting that appellant drive over the speed limit. He further denied that there was a meeting with B.M. or a union steward. J.D. alleged that appellant had incited threats against him.

On December 23, 2019 B.M. completed a narrative statement, asserting that he had not witnessed any harassing behavior by J.D. He related that J.D. had informed appellant that he would be trained on pallet jack use, which appellant appeared to welcome; however, when he attempted to train appellant on October 29, 2019, he refused to be trained. B.M. denied that appellant filed a safety complaint, or that either A.P. or he had met with a union steward on October 30, 2019. He further denied that appellant had alleged that D.D., might strike him with the pallet jack. B.M. reported finding a grievance worksheet filed by appellant but denied that a step one meeting was held. He contended that appellant refused a direct order by J.D. to return to the deck to be trained to operate the pallet jack.

In a January 2, 2020 development letter, OWCP informed appellant of the deficiencies of his claim. It advised him of the type of factual and medical evidence needed and provided a questionnaire for his completion. In a separate development letter of even date, OWCP requested that the employing establishment provide comments from a knowledgeable supervisor regarding appellant's allegations. It afforded both parties 30 days to respond.

B.M. responded on behalf of the employing establishment on January 21, 2020 and denied that appellant was required to work outside his job description. He noted that appellant called dispatch because he was not getting assistance loading a pallet on his truck. B.M. called D.D. to get appellant help and to oversee the progress. B.M. also resubmitted his previous statements and those from J.D.

J.D. provided an additional statement and alleged that D.D. had witnessed appellant refusing to perform his duties as a TTO, such that he was forced to perform appellant's duties for him. He further asserted that training for the use of pallet jacks had been afforded to all TTOs, that appellant refused to train on the pallets, and that he refused a direct order in this regard from supervisors.

OWCP received a statement wherein appellant alleged that he was in fear of his life, experiencing anxiety attacks, and feared losing his job due to harassment. Appellant asserted that J.D. was bullying and demeaning to drivers, threatened him with a "bullseye," and accused him of causing an uproar among drivers. He alleged that his blood pressure was skyrocketing due to anxiety caused by J.D.

On January 27, 2020 appellant completed OWCP's development questionnaire. He asserted that he was supposed to start work in October 2018, but that management had attempted to award his bid to an acting supervisor. Appellant filed a grievance and won, therefore, beginning work on November 26, 2018[4] at the Bellport Post Office with J.D. as his acting supervisor. On that date J.D. ordered him to use a pallet jack to move a four-foot-high stack of magazines located on a pallet that weighed more than 100 pounds. Appellant related that a mail handler was required by his position description to use the pallet jack, but that the mail handler at that location had refused to do so. As he was not trained, he felt that he should not use the machine, but did so anyway for two to three minutes. Appellant later called the transportation supervisor, W.L., who

[4] There are typographical errors regarding whether the events took place in 2018 or 2019 in appellant's statements.

informed him that TTOs were not to use pallet jacks. On November 27, 2018 the Bellport Post Office mail handler again refused to use the pallet jack but brought it out to the platform for appellant to use. Appellant refused to use the pallet jack based on the instructions of W.L. J.D. then gave him a direct order to use the pallet jack regardless of W.L.'s instructions. Appellant did so. On November 28, 2018 the head supervisor, A.B., informed B.M. and appellant that it was not the job of TTOs to use the pallet jack. On November 29, 2018 B.M. informed Bellport Post Office that TTOs were not to use pallet jacks, and beginning on that date the Bellport Post Office mail handler utilized the pallet jack. Appellant asserted that the Bellport Post Office supervisor continued to harass and verbally assault him for over a month regarding his refusal to use the pallet jack. B.M. sent an e-mail to Bellport Post Office which resolved this issue. On November 28, 2018 J.D directed appellant to use the pallet jack at the Patchogue Post Office. On September 27, 2019 a new supervisor at the Bellport Post Office directed appellant to use the pallet jack. B.M. telephoned this supervisor and informed him that it was not appellant's job, and the supervisor did it himself.

On October 28, 2019 appellant began a new assignment. There was a pallet on his trailer, and the supervisor, D.D., informed him of the location of the pallet jack. When appellant related that he did not use a pallet jack, D.D. informed him that he did not come onto the truck. J.D., now a supervisor, gave him a direct order to use the pallet jack, which he did despite protestations. Appellant then completed a Form 1767 alleging an unsafe condition and submitted it to B.M. On October 30, 2019 J.D. again ordered him to use the pallet jack and informed him that he would be required to use the pallet jack every day until any grievance was resolved, and that by then he would have him trained on the pallet jack. Appellant spoke to his union representative, who informed J.D. that he would not be using the pallet jack and filed a grievance on October 30, 2019. J.D. threatened to walk appellant out if he did not do so. On October 31, 2019 supervisor D.D. informed appellant that his employees would not be using a pallet jack. After speaking with B.M., D.D. angrily and forcefully pushed the pallet jack toward appellant while talking under his breath. Appellant became scared and stopped working. B.M. asked if he needed an ambulance and he experienced high blood pressure.

In an undated statement, C.P., a union shop steward, related that on October 29, 2019 J.D. informed him that if appellant did not use the pallet jack, he would be walked out of the building. B.M. was also present. When C.P. asserted that appellant was not allowed to use a pallet jack, J.D. instructed him to leave his office. He advised that he had written a grievance on October 30, 2019 as J.D. had harassed appellant "over the use of a jack."

On February 11, 2020 OWCP afforded appellant an additional 30 days to respond to its development letter.

Appellant subsequently provided additional medical evidence. In a February 23, 2020 statement, C.P. asserted that TTOs were never required or certified to use pallet jacks either before or after October 29, 2019.

By decision dated June 17, 2020, OWCP denied appellant's emotional condition claim finding that he failed to establish a compensable factor of employment. It concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

OWCP continued to receive evidence. In a July 7, 2020 statement, W.L., the former assistant director of motor vehicles, reported that J.D. was improperly shuttling appellant between

his assigned route and the yard so that a senior employee could make overtime. After correction, J.D. appeared to have a vendetta against appellant resulting in constant harassment. W.L. related that J.D. had been "walked out of the plant for physically engaging with another employee."

On July 11, 2020 appellant requested an oral hearing before a representative of OWCP's Branch of Hearings and Review. The hearing was held on October 7, 2020.

In a September 29, 2020 statement, S.M., the union motor vehicle craft director asserted that TTOs were not trained and certified to use pallet jacks and should never use them. He asserted that he did not know of any TTO who had been trained and certified to use this equipment.

On November 3, 2020 A.B., a supervisor, asserted that management at the employing establishment had a right to direct its employees on how to perform their official duties. He further related that it was employing establishment policy that TTOs did not usually handle pallet jacks, but that exceptions were made to expeditiously move the mail. A.B. concluded that appellant had never been instructed that he would not use a pallet jack as it always depended on the situation, and it was the supervisor's call. He maintained that appellant should have followed his supervisor's orders.

W.L. completed a November 5, 2020 statement and related that when delivering a pallet of mail, the driver is not to operate a pallet jack or electric jack but should assist in the unloading. The employing establishment's policy was if there was an issue, TTO were to call dispatch and follow the supervisor's instruction, and then there was the possibility of filing a grievance.

On November 5, 2020 J.D. asserted that TTOs were required to assist mail handlers and clerks with the loading and unloading of mail and equipment. The mail handler placed the equipment on the rear of the trailer, then the TTO moved it within the truck. These employees were to assist each other in moving equipment.

By decision dated December 16, 2020, OWCP's hearing representative set aside the June 17, 2020 decision. She found that it was unclear from the record whether the employing establishment committed error or abuse in demanding that appellant use a pallet jack. The hearing representative noted that the supervisor of transportation operations had specifically advised that drivers should not use pallet jacks. She instructed OWCP, on remand, to obtain a clear and unequivocal statement from an appropriate official with regarding whether drivers were required to use pallet jacks.

In a December 22, 2020 development letter, OWCP requested additional information from the employing establishment, including a statement from an appropriate official explaining clearly and unequivocally whether TTOs were expected/required to use pallet jacks and reconciling the previous conflicting statements.

On December 22, 2020 K.H., a health and resource management specialist, confirmed that TTOs were expected to utilize pallet jacks when there were no mail handlers, that TTOs were to use pallet jacks and assist with pallet jacks as needed, and that training was not required for manual pallet jack use.

By *de novo* decision dated March 26, 2021, OWCP again denied appellant's emotional condition claim, finding that he failed to establish a compensable factor of employment. It

concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

On April 15, 2021 appellant requested an oral hearing before a representative of OWCP's Branch of Hearings and Review. A hearing was held on August 11, 2021.

By decision dated October 25, 2021, OWCP's hearing representative set aside the March 26, 2021 decision and remanded the case for OWCP to determine clearly and unequivocally whether TTOs were expected or required to use pallet jacks and whether they were trained in this use. She noted that the evidence from employing establishment officials conflicted regarding whether drivers were required to use pallet jacks. The hearing representative found that the December 22, 2020 statement from K.H. was insufficient to resolve the issue as it was unclear who she spoke with to confirm that TTOs were expected to use pallet jacks and as no corroborating evidence had been submitted to show that it was a requirement of the position. She noted that K.H. had cited an unnamed transportation supervisor who indicated that TTOs were to use pallet jacks, but that this conflicted with the November 5, 2020 statement from W.L. who advised that TTOs should not use pallet jacks. The hearing representative asserted that statements should be obtained from the individuals who had provided the information to K.H. regarding the employing establishment's position on the use of pallet jacks. She also advised that the employing establishment should clarify whether there were mail handlers at the facilities in question. The hearing representative indicated that the requirement in the TTO operator position to load and unload mail failed to reference use of a pallet jack. She further noted that K.H. advised that training was not required for the pallet jack but that the employing establishment had also indicated that training on the pallet jack had been offered to all TTOs. The hearing representative related that, if it was asserted that TTOs were required to use a pallet jack, the employing establishment should address the type of training that had been offered, noting that appellant indicated that he had refused the training because his supervisor was not qualified.

In a November 8, 2021 development letter, OWCP requested additional evidence from the employing establishment.

On November 23, 2021 K.H. provided documentation that there was no formal training for manual pallet jacks, while motorized pieces of equipment had formal training along with certification. She provided a mail handler position description which required unloading and loading mail on trucks and operating electric forklifts. A mail handler equipment operator was required to operate a jitney, forklift, or pallet truck for the movement of mail. K.H. advised that using a manual pallet jack was not in any other job description. She related that such things as answering telephones, pumping gas, using a accredit card, and using a manual pallet jack were additional tasks for which there was no training or certification. K.H. advised that there were no mail handlers at the offices when appellant was present. She related that the information from appellant was "not fact, as the investigation is progressing and further information is coming to light."

In an e-mail dated November 18, 2021, J.Z. advised K.H. that there was no formal training for manual pallet jacks. In a November 22, 2021 e-mail, D.P. informed K.H. that the Port Jefferson and Bellport offices did not have mail handlers or mail handler equipment operators assigned in 2018.

By *de novo* decision dated February 17, 2022, OWCP again denied appellant's claim finding that he failed to establish a compensable factor of employment. It concluded, therefore, that the requirements had not been met to establish an injury as defined by FECA.

On March 5, 2022 appellant requested an oral hearing before a representative of OWCP's Branch of Hearings and Review. An oral hearing was held on June 17, 2022.

By decision dated October 14, 2022, OWCP's hearing representative affirmed the February 17, 2022 OWCP decision.

LEGAL PRECEDENT

An employee seeking benefits under FECA[5] has the burden of proof to establish the essential elements of his or her claim, including the fact that the individual is an employee of the United States within the meaning of FECA, that the claim was filed within the applicable time limitation, that an injury was sustained while in the performance of duty as alleged, and that any disability or specific condition for which compensation is claimed is causally related to the employment injury.[6] These are the essential elements of each and every compensation claim regardless of whether the claim is predicated on a traumatic injury or an occupational disease.[7]

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 an illness has some connection with the employment, but nevertheless does not come within the concept or coverage of workers' compensation. Where a condition results from an employee's emotional reaction to his or her regular or specially assigned duties or to a requirement imposed by the employment, the disability comes within the coverage of FECA.[8] On the other hand, a condition is not covered where it results from such factors as an employee's fear of a reduction-in-force or his or her frustration from not being permitted to work in a particular environment, or to hold a particular position.[9]

Administrative and personnel matters, although generally related to employment, are administrative functions of the employer rather than the regular or specially-assigned work duties of the employee and are not covered under FECA.[10] However, the Board has held that, where the evidence establishes error or abuse on the part of the employing establishment in what would otherwise be an administrative matter, coverage will be afforded.[11] In determining whether the

[5] *Supra* note 3.

[6] *A.J.*, Docket No. 18-1116 (issued January 23, 2019); *Gary J. Watling*, 52 ECAB 278 (2001).

[7] 20 C.F.R. § 10.115(e); *M.K.*, Docket No. 18-1623 (issued April 10, 2019); *see T.O.*, Docket No. 18-1012 (issued October 29, 2018); *see Michael E. Smith*, 50 ECAB 313 (1999).

[8] *Lillian Cutler*, 28 ECAB 125 (1976).

[9] *A.E.*, Docket No. 18-1587 (issued March 13, 2019); *Gregorio E. Conde*, 52 ECAB 410 (2001).

[10] *See J.W.*, Docket No. 17-0999 (issued September 4, 2018); *Matilda R. Wyatt*, 52 ECAB 421 (2001); *Thomas D. McEuen*, 41 ECAB 387 (1990), *reaff'd on recon.*, 42 ECAB 556 (1991).

[11] *See J.W., id.*; *William H. Fortner*, 49 ECAB 324 (1998).

employing establishment has erred or acted abusively, the Board will examine the factual evidence of record to determine whether the employing establishment acted reasonably.[12]

For harassment or discrimination to give rise to a compensable disability, there must be evidence which establishes that the acts alleged or implicated by the employee did, in fact, occur.[13] Mere perceptions of harassment or discrimination are not compensable under FECA.[14] A claimant must substantiate allegations of harassment or discrimination with probative and reliable evidence.[15] Unsubstantiated allegations of harassment or discrimination are not determinative of whether such harassment or discrimination occurred.[16]

In cases involving emotional conditions, the Board has held that, when working conditions are alleged as factors in causing a condition or disability, OWCP, 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.[17] If a claimant does implicate a factor of employment, OWCP 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, it must base its decision on an analysis of the medical evidence.[18]

ANALYSIS

The Board finds that appellant has not met his burden of proof to establish an emotional/stress related condition in the performance of duty, as alleged.

Appellant has not attributed his emotional condition to the performance of his regular duties as a TTO or to any special work requirement arising from his employment duties under *Cutler*.[19] Rather, appellant has attributed his emotional condition claim to administrative and personnel actions on the part of his supervisors.

Appellant has alleged that management committed error and abuse with respect to various administrative/personnel matters. In particular, he claimed that he was required to work outside his job description by using a pallet jack, and that he did not receive required training to use this

[12] *J.W., id.*; *Ruth S. Johnson*, 46 ECAB 237 (1994).

[13] *M.V.*, Docket No. 22-0227 (issued March 28, 2023); *O.G.*, Docket No. 18-0359 (issued August 7, 2019); *K.W.*, 59 ECAB 271 (2007); *Robert Breeden*, 57 ECAB 622 (2006).

[14] *A.E., supra* note 9; *M.D.*, 59 ECAB 211 (2007); *Robert G. Burns*, 57 ECAB 657 (2006).

[15] *J.F.*, 59 ECAB 331 (2008); *Robert Breeden, supra* note 13.

[16] *R.D.*, Docket No. 21-0050 (issued February 25, 2022); *T.Y.*, Docket No. 19-0654 (issued November 5, 2019); *G.S.*, Docket No. 09-0764 (issued December 18, 2009); *Ronald K. Jablanski*, 56 ECAB 616 (2005); *Penelope C. Owens*, 54 ECAB 684 (2003).

[17] *See O.G., supra* note 13; *Norma L. Blank*, 43 ECAB 384, 389-90 (1992).

[18] *Id.*

[19] *Supra* note 8.

equipment. These allegations regarding work assignments,[20] including the requirement to use a pallet jack, training,[21] and disciplinary matters,[22] relate to administrative or personnel management actions. Administrative and personnel matters, although generally related to employment, are administrative functions of the employer, rather than the regular or specially assigned work duties of the employee. For an administrative or personnel matter to be considered a compensable factor of employment, the evidence must establish error or abuse on the part of the employer.[23] Appellant did not establish that he was prohibited from training or operating the pallet jack based on his job description or other workplace rules and regulations. Furthermore, the Board has held that mere dislike or disagreement with certain supervisory actions will not be compensable absent error or abuse on the part of the supervisor.[24] For this reason, the Board finds that appellant has not established a compensable employment factor with respect to these administrative matters.

Appellant also alleged that he was harassed by supervisors D.D. and J.D. To the extent that incidents alleged as constituting harassment by a manager are established as occurring and arising from appellant's performance of his regular duties, these could constitute employment factors.[25] However, for harassment to give rise to a compensable disability under FECA, there must be evidence that harassment did in fact occur as alleged. Mere perceptions of harassment are not compensable under FECA.[26] Although appellant alleged that his supervisors engaged in actions, which he believed constituted harassment, he provided insufficient corroborating evidence to establish his allegations.[27] Thus, he has not established a compensable employment factor under FECA with respect to the claimed harassment and discrimination.

As the Board finds that appellant has not established a compensable employment factor, it is not necessary to consider the medical evidence of record.[28]

[20] *B.T.*, Docket No. 20-1627 (issued January 11, 2023); *L.S.*, Docket No. 18-1471 (issued February 26, 2020); *V.M.*, Docket No. 15-1080 (issued May 11, 2017); *Donney T. Drennon-Gala*, 56 ECAB 469 (2005).

[21] *See D.M.*, Docket No. 20-0500 (issued July 6, 2021); *R.L.*, Docket No. 17-0883 (issued May 21, 2018); *L.R.*, Docket No. 14-1990 (issued January 27, 2015).

[22] *R.M.*, Docket No. 22-0472 (issued October 16, 2023); *M.C.*, Docket No. 18-0585 (issued February 13, 2019); *C.T.*, Docket No. 08-2160 (issued May 7, 2009).

[23] *Thomas D. McEuen*, *supra* note 10.

[24] *B.T.*, *supra* note 20; *F.W.*, Docket No. 19-0107 (issued June 10, 2020); *B.S.*, Docket No. 19-0378 (issued July 10, 2019).

[25] *W.F.*, Docket No. 18-1526 (issued November 26, 2019); *F.C.*, Docket No. 18-0625 (issued November 15, 2018); *Kathleen D. Walker*, 42 ECAB 603 (1991).

[26] *A.E.*, *supra* note 9; *M.D.*, *supra* note 14; *Jack Hopkins, Jr.*, 42 ECAB 818, 827 (1991). *See also M.S.*, Docket No. 19-1589 (issued October 7, 2020).

[27] *See William P. George*, 43 ECAB 1159, 1167 (1992) (claimed employment incidents not established where appellant did not submit evidence substantiating that such incidents actually occurred).

[28] *See R.B.*, Docket No. 19-0434 (issued November 22, 2019); *B.O.*, Docket No. 17-1986 (issued January 18, 2019) (finding that it is not necessary to consider the medical evidence of record if a claimant has not established any compensable employment factors). *See also Margaret S. Krzycki*, 43 ECAB 496, 502-03 (1992).

Appellant may submit new evidence or argument with a written request for reconsideration to OWCP within one year of this merit decision, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. §§ 10.605 through 10.607.

CONCLUSION

The Board finds that appellant has not met his burden of proof to establish an emotional/stress-related condition in the performance of duty, as alleged.

ORDER

IT IS HEREBY ORDERED THAT the October 14, 2022 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: June 24, 2024
Washington, DC

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Valerie D. Evans-Harrell, Alternate Judge
Employees' Compensation Appeals Board

James D. McGinley, Alternate Judge
Employees' Compensation Appeals Board