



## FILING A STRESS WORKERS COMP CLAIM

Postal workers who are harassed may suffer emotional stress when carrying out their postal assignment duties. At times employees file Workers Compensation claims and are taken aback by the denial of such claims by the Office of Workers Compensation Programs (OWCP) which only adds more stress.

Not every personnel or administrative event is compensable under the Federal Employees Compensation Act (FECA). Abuse has to be determined. Altercations and/or difficult relationships with supervisors if properly documented may be considered a compensable factor of employment.

There are requirements that must be met because the relationship between the condition to the exposure is not always obvious. When assisting an employee with a workplace harassment the employee, if in distress, should be advised to seek medical attention and report the matter to a competent medical professional. There could be stressed related conditions such as emotional, gastrointestinal or heart conditions that arise from the harassment or abuse which should be medically documented.

### 5 BASIC ELEMENTS TO A FECA CLAIM

1. **Must be timely filed.** (check for occupational diseases)
2. **Must be made by Fed. Civilian Employee** (postal worker)
3. **Must establish Fact of Injury**, which has both a factual and medical component, Factually, the injury or employment factor alleged must have actually occurred. (this may be established by grievances, EEO complaints, PS 1767 reports, written letters, witnesses etc.) Medically, a medical condition **MUST** be diagnosed in connection with the injury or event. (It is important that suspected conditions of stress and anxiety be medically documented either while abuse/harassment is occurring or very soon thereafter).
4. **Establish Performance of Duty.** The medical condition or injury **MUST** have arisen during the course of employment and within the scope of compensable work factors. (abusive or erroneous personnel actions, or difficult relationships with supervisors are considered compensable factors of employment but the events, abuses, harassment must be documented as having occurred. One way to do this is via the PS 1767 along with management's responses. )
5. **Establish CAUSAL RELATIONSHIP** which is done through medical evidence establishing that the condition that has been diagnosed is causally (caused) related to the injury or event that took place at work.

The medical evidence that must be submitted has to be from a qualified physician not from a nurse practitioner or physician assistant unless co-signed by the physician.

Medical evidence is crucial to any claim for compensation. The report must be comprehensive with a well rationalized medical statement on how the physician came to the conclusion that the medical diagnosis of the condition was caused by work factors.

### WHAT TO PREPARE FOR

OWCP will likely request from the employee a written narrative explaining certain aspects of the claim such as:

- Detailed description of employment conditions or incidents that contributed to the illness beyond a general statement of stress or anxiety. The information has to be as specific as possible with dates, locations, supervisor and manager names, duties being performed at the time and how often episodes of harassment/abuse occurred. Witness statements signed by co-workers are helpful.
- Specific descriptions of all confrontations, incidents and/or practices which affected the employee's condition along with the names of all individuals who are being alleged to have harassed or abused the employee.
- Describe the reaction of the employee to the treatment, harassment, confrontations etc. How often did the incidents occur and what happened? How did management respond when the incidents were reported? How were they reported?
- Explain any delays in reporting the incidents or making a claim for compensation.
- Were any grievances, EEOs, complaints, letters related to the working conditions filed. Get copies and the employee should be prepared to submit them. (This includes 1767s)
- Are there any other sources of stress outside the employee's postal employment including any personal or family life matters including death, illness of family members, substance abuse or divorce? If so prepare to so state.

