

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Department of Employment Services

Gregory P. Irish
Office of the Director



EVELYN J. WARREN,	:
	:
Claimant,	:
	:
v.	: Dir. Dkt. No. 10-00
	: OHA No. PBL 99-32
DISTRICT OF COLUMBIA	: OWC No. 003923
DEPARTMENT OF CORRECTIONS,	:
	:
	:
<u>Employer.</u>	:

OPINION AND ORDER OF THE DIRECTOR

I. BACKGROUND

The Claimant worked as a correctional officer for the Employer starting in 1990. In 1995, Claimant started receiving psychological treatment for personal reasons as well as alleged work-related reasons. In 1997, Claimant stopped working due to alleged work-related stress. The Claimant then requested temporary total benefits from the time she stopped working until the present and continuing. In a July 12, 2000 Compensation Order, the Claimant's claim for relief was denied. The Claimant then filed an appeal.

II. DISCUSSION

The Employer has filed a Motion to Dismiss Claimant's Application for Review for being untimely. However, after a careful review of the record, it cannot be said that Claimant's Petition for Review was untimely.

After a careful review of the record, Claimant's Application for Review and Employer's Opposition, the instant case must be affirmed. The Hearing Examiner found that Claimant failed to present sufficient evidence that work related conditions, absent

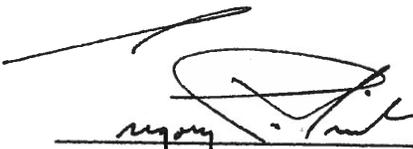
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the sexual harassment, caused Claimant to be disabled for work under the psychological stress standard established in Dailey v. 3M Company, H&AS No. 85-259, OWC No. 0066512 (May 19, 1988). The Claimant failed to establish that the work-related events that allegedly caused her disabling condition would have caused a similar stress related injury to another correctional officer not otherwise pre-disposed to a psychological condition. The Hearing Examiner also found that Claimant's stress was related to her personal life and not work. Compensation Order at 6. Since the Hearing Examiner's findings are supported by substantial evidence and in accordance with the law, this case must be affirmed.

III. Order

Accordingly, for the reasons stated above, the Compensation Order of July 12, 2000 is hereby **AFFIRMED**.



Gregory H. Irish
Director

Date Jan. 8, 2001