

Summary of ER (No. 3) v. IBRD, (Merits) Decision No. 656 [2021]

The Applicant challenged the decision of the Administrative Review Panel (ARP) to deny his claim for workers' compensation.

In 2014, the Applicant began reporting to management and various offices within the Bank what he deemed to be budget anomalies within his Vice Presidential Unit. In September 2016, the Applicant began visiting the Bank's Health and Safety Development Directorate (HSDDR) for alleged work-related stress problems. He obtained counseling with the Counseling Unit of the HSDDR. The Applicant began seeing an external psychiatrist (Psychiatrist) at T Psychiatry in August 2017.

In July 2018, the Applicant filed a claim with the Bank's Claims Administrator for reimbursement of \$1,500.00 paid to his Psychiatrist. The Claims Administrator denied the Applicant's claim, finding that the Applicant's illness/injury did not arise as a direct result of his employment. The Applicant's claim was further denied on reconsideration by the Claims Administrator and, in December 2019, the ARP affirmed the denial by the Claims Administrator.

Before the Tribunal, the Applicant contended that he had a psychological injury – work-related stress – entitling him to workers' compensation, and he specified nine workplace events which caused or aggravated his psychological injury. The Bank contended that the Applicant failed to establish that he suffered from any injury or illness and, further, that he failed to establish a causal link between his alleged injury or illness and his employment with the Bank.

The Tribunal noted that the “presumption of compensability” under D.C. law regarding workers' compensation had not been incorporated into Staff Rule 6.11 and reiterated that, pursuant to the Tribunal's jurisprudence, applicants bear the burden of proving their claims for workers' compensation by a preponderance of the evidence. The Tribunal considered the medical evidence in the record – the HSDDR Counseling Unit notes, the notes from the Applicant's visits with his Psychiatrist, and a letter from the Psychiatrist. The Tribunal explained that, “for purposes of Staff Rule 6.11, there must be medical evidence demonstrating an illness or injury of the Applicant which arises ‘out of and in the course of employment’ with the Bank,” and found that the medical record did not establish such.

The Tribunal also reiterated that the role of the Claims Administrator is not a passive one and noted that the Claims Administrator could have made further inquiries with respect to the Applicant's claim that it had lost his medical records. Finally, the Tribunal noted that the Bank “may also wish to consider ways to further support staff members experiencing stress, anxiety, or depression.”

Decision: The Application was dismissed.