

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JANE PAPCZYNSKI, claiming as widow of RICHARD A. PAPCZYNSKI and
U.S. POSTAL SERVICE, POST OFFICE, Cocoa, FL

Docket No. 97-2504; Submitted on the Record;
Issued November 1, 1999

DECISION and ORDER

Before DAVID S. GERSON, MICHAEL E. GROOM,
BRADLEY T. KNOTT

The issue is whether the employee's death is causally related to his employment injury of October 17, 1973 or to compensable factors of his federal employment.

On March 26, 1996 appellant filed a claim for compensation stating that her husband, a letter carrier who sustained a lumbosacral strain injury while in the performance of duty, had died on January 21, 1996 at the age of 61. Her husband's death certificate listed the cause of death as acute myocardial infarction due to arteriosclerotic heart disease. A March 19, 1996 report from her husband's attending physician, Dr. Robert H. Lee, stated that the employee had severe arteriosclerotic heart disease: "He had had a heart attack and had had coronary bypass surgery. He was also in chronic atrial fibrillation and had thrown systemic emboli on two occasions. He was also on anticoagulation therapy. It is my opinion that stress can be detrimental to anyone with advanced heart disease."

On June 4, 1996 the Office of Workers' Compensation Programs requested that appellant submit additional information to support that the employee's death was a result of his work-related low back condition. Appellant replied on July 2, 1996 that her husband was harassed for some 10 months to return to work at the employing establishment in Melbourne, Florida (appellant and her husband had relocated to Tennessee). She added that her husband had been hounded by employees at the Office of Personnel Management. Appellant also stated that medication for her husband's back condition could have contributed to his heart problems, as it would throw his Coumidin (a blood thinner) levels off.

On January 16, 1997 the Office requested that appellant submit a narrative medical report from her husband's physician addressing how the employment injury was a factor, directly or indirectly, in his death.

Appellant submitted a copy of a January 4, 1996 report from Dr. Lee, who responded to the Office's request for an evaluation of whether a position offered by the employing establishment was medically suitable to the employee. Dr. Lee wrote as follows:

“In reference to your letter dated December 4, 1995, where you have requested that [the employee] be evaluated for his ability to perform duties, and you have requested that stress should not be considered in this evaluation. I feel as a responsible physician, that it is impossible for me to discuss a patient with severe heart disease and not consider stress as a factor. [The employee] has had a heart attack, he has had coronary artery bypass surgery, he is in chronic atrial fibrillation and has thrown systemic emboli on two occasions, and also is on chronic anticoagulation therapy. It should also be noted that he has significant heart disease, with an ejection fraction of approximately 25 percent. I feel that [the employee] has a very severe heart disease, that the stress would be very detrimental to him, but if you are unwilling to consider the stress in his job reassignment, then I feel like your Department should be willing to assume the responsibilities of any complications this stress may precipitate. I am completely unwilling, as a physician, to discuss his ability to perform the duties of his job, without considering stress as a complicating factor and detrimental to his health.”

In a decision dated July 10, 1997, the Office denied appellant's claim for survivor benefits. The Office found that, although the medical evidence reflected that the process of returning the employee to work was stressful to him, the stress was not work related.

The Board finds that the evidence of record fails to establish the employee's death is causally related to his employment injury of October 17, 1973 or to compensable factors of his federal employment.

Appellant has the burden of establishing by the weight of the reliable, probative and substantial medical evidence that the employee's death was causally related to an employment injury or to factors of his federal employment. As part of this burden, appellant must submit a rationalized medical opinion, based upon a complete and accurate factual and medical background, showing a causal relationship between the employee's death and an employment injury or factors of his federal employment. Appellant's unsupported belief is insufficient to establish causal relationship.¹ Causal relationship is medical in nature and can be established only by medical evidence.²

Appellant attributes her husband's death in part to the stress he experienced in the attempt by the Office and the employing establishment to return him to suitable work.

In the present case, the actions by the Office in attempting to return the employee to suitable work are not compensable factors of employment. Any injury related to such actions

¹ See *Leonora A. Bucco (Guido Bucco)*, 36 ECAB 588 (1985); *Lorraine E. Lambert (Arthur R. Lambert)*, 33 ECAB 1111 (1982).

² *Mary J. Briggs*, 37 ECAB 578 (1986); *Ausberto Guzman*, 25 ECAB 362 (1974).

falls outside the scope of the Act, which compensates employees for injuries sustained while in the performance of duty. Moreover, any concern of possible reinjury upon his return to work is not a compensable factor. The Board has held that fear of future injury is not a compensable factor of employment.³

The Board has also held that an employee's emotional reaction to administrative or personnel actions of the employing establishment is not compensable, though error or abuse by the employing establishment in an administrative or personnel matter, or evidence that the employing establishment acted unreasonably in the administration of a personnel matter, may afford coverage.⁴ Accordingly, actions by the employing establishment in attempting to return the employee to suitable work in the present case generally fall outside the scope of the Act. The record fails to show that the employing establishment erred or acted abusively or unreasonably in developing possible suitable employment.

Appellant has asserted that the medication the employee took for his work-related back condition could have contributed to his heart problems, as it would throw his Coumidin levels off. Causal relationship is a medical issue, however, and is generally established through rationalized medical opinion evidence. Appellant's lay opinion or speculation is insufficient to establish such a causal relationship,⁵ and Dr. Lee's reports have not discussed the matter.

Because the medical evidence in this case fails to establish that the employee's death is causally related to his employment injury of October 17, 1973 or to compensable factors of his federal employment, appellant has not met her burden of proof.

³ See *Joseph G. Cutrufello*, 46 ECAB 285 (1994).

⁴ *Norman A. Harris*, 42 ECAB 923 (1991); *Thomas D. McEuen*, 42 ECAB 566 (1991).

⁵ *Bernice W. Curtis (Oscar Lee Curtis)*, 1 ECAB 95 (1948).

The July 10, 1997 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, D.C.
November 1, 1999

David S. Gerson
Member

Michael E. Groom
Alternate Member

Bradley T. Knott
Alternate Member