

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of WILLIAM GRONER and DEPARTMENT OF VETERANS AFFAIRS,
MEDICAL CENTER, Erie, PA

*Docket No. 99-2021; Submitted on the Record;
Issued August 25, 2000*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant's heart attack on November 6, 1996 was causally related to his federal employment.

On December 5, 1996 appellant, a gardener, filed a claim asserting that he sustained an injury on November 6, 1996 while in the performance of his duties. He stated that he was in the garage getting dressed for shoveling black top when he began to feel pain in his back. Appellant was taken to the emergency room, where he learned he had suffered a heart attack.

The Office of Workers' Compensation Programs advised appellant of the evidence needed to establish his claim, including a physician's opinion supported by medical rationale as to the causal relationship between his disability and the injury as reported. The Office emphasized that his physician's discussion of the issue of causal relationship was crucial to his claim.

In a decision dated January 29, 1997, the Office denied appellant's claim on the grounds that the evidence failed to establish that he sustained an injury as alleged. The Office found that, the initial evidence supported the fact that appellant actually experienced the claimed accident, event or employment factor at the time, place and in the manner alleged, however, the file contained no medical evidence and, therefore, an injury was not demonstrated.

The Office thereafter received hospital and other medical records but no reasoned medical opinion attributing appellant's heart attack to his federal employment.

In a decision dated January 30, 1998, the Office vacated its earlier decision on the grounds that it was issued prematurely. The Office nonetheless found that appellant had failed to submit the necessary medical evidence to establish that he sustained an injury while in the performance of duty.

Appellant requested a hearing before an Office hearing representative. At the hearing, which was held on November 19, 1998, appellant stated that on October 5, 1995 he was assigned to engineering services as a gardener, groundskeeper, laborer and driver. After working inside for 17 years, he was not working outside. He was 45 years old with a heart condition and had a heart attack in June 1988. "This was a very difficult assignment for me," he stated. "The hard labor and exposure to weather aggravated my heart condition."

In a decision dated January 28, 1999, the hearing representative affirmed the Office's January 30, 1998 denial of appellant's claim. The hearing representative found that appellant had submitted no medical evidence whatsoever to establish his claim that working outside from October 1995 to November 1996 caused a heart attack.

Appellant requested reconsideration and urged that all documents and testimony from three of his other claims also be examined as all four of his claims were closely related and directly supported each other.

In a decision dated May 26, 1999, the Office conducted a merit review of appellant's claim and denied modification of its prior decision. The Office found that evidence of disability for his gardening position and approval of disability retirement did not satisfy or overcome the deficiency noted by the hearing representative.

The Board finds that the medical evidence of record is insufficient to establish that appellant's heart attack on November 6, 1996 was causally related to his federal employment.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of proof to establish the essential elements of his claim. When an employee claims that he sustained an injury in the performance of duty, he must submit sufficient evidence to establish that he experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. He must also establish that such event, incident or exposure caused an injury.²

The Office accepts that appellant experienced the specific event or incident that he described on his claim form and there is no dispute that appellant was assigned to work outside in 1995. The question for determination is whether these employment factors had any causal relationship to the heart attack he experienced on November 6, 1996.

Causal relationship is a medical issue³ and the medical evidence generally required to establish causal relationship is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence that, includes a physician's rationalized opinion on whether there is a causal relationship between the claimant's diagnosed condition and the established incident or factor of employment. The opinion of the physician must be based on a

¹ 5 U.S.C. §§ 8101-8193.

² See generally *John J. Carlone*, 41 ECAB 354 (1989); *Abe E. Scott*, 45 ECAB 164 (1993); see also 5 U.S.C. § 8101(5) ("injury" defined); 20 C.F.R. §§ 10.5(a)(15), 5(a)(16) ("traumatic injury" and "occupational disease or illness" defined).

³ *Mary J. Briggs*, 37 ECAB 578 (1986).

complete factual and medical background of the claimant,⁴ must be one of reasonable medical certainty⁵ and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the established incident or factor of employment.⁶

Appellant has submitted no medical opinion evidence explaining how his outside work from October 1995 to November 1996 caused or otherwise contributed to his heart attack on November 6, 1996. Appellant being found medically disabled for his position is immaterial to whether his position caused or contributed to the medical condition that disabled him. The mere fact that a condition manifests itself or worsens during a period of federal employment does not raise an inference of causal relationship between the two.⁷ Appellant must establish causal relationship by submitting the necessary medical opinion evidence. Because he has submitted no medical opinion to support causal relationship, which is an essential element of his claim, appellant has not met his burden of proof.

The May 26 and January 28, 1999 decisions of the Office of Workers' Compensation Programs are affirmed.

Dated, Washington, D.C.
August 25, 2000

David S. Gerson
Member

Willie T.C. Thomas
Member

A. Peter Kanjorski
Alternate Member

⁴ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁵ *See Morris Scanlon*, 11 ECAB 384, 385 (1960).

⁶ *See William E. Enright*, 31 ECAB 426, 430 (1980).

⁷ *Steven R. Piper*, 39 ECAB 312 (1987).