

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JAMIE ROSADO and DEPARTMENT OF THE AIR FORCE,
SAN ANTONIO AIR LOGISTICS CENTER, KELLY AIR FORCE BASE, TX

*Docket No. 99-133; Submitted on the Record;
Issued May 2, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
BRADLEY T. KNOTT

The issue is whether appellant has met his burden of proof in establishing that he developed an emotional condition due to factors of his federal employment.

The Board has duly reviewed the case on appeal and finds that appellant has failed to meet his burden of proof in establishing that he developed an emotional condition due to factors of his federal employment.

This case has previously been before the Board on appeal. In its March 17, 1998 decision,¹ the Board found that appellant had submitted sufficient medical evidence to establish that he had sustained an emotional condition and that appellant had established a compensation factor of employment, changing work shifts. However, the Board found that appellant failed to submit sufficient rationalized medical opinion evidence to establish a causal relationship between his diagnosed condition and his accepted employment factor. The facts and circumstances of the case as set forth in the Board's prior decision are adopted herein by reference.

Following the Board's March 17, 1998 decision,² appellant requested reconsideration from the Office of Workers' Compensation Programs and submitted additional evidence. By decision dated September 16, 1998, the Office reviewed appellant's claim on the merits and concluded that the evidence submitted was not sufficient to warrant modification of its prior decision.

¹ Docket No. 95-1495.

² Appellant filed a petition for reconsideration of the Board's March 17, 1998 decision which was denied by an order denying petition for reconsideration dated July 29, 1998. Docket No. 95-1495.

To establish appellant's occupational disease claim that he has sustained an emotional condition in the performance of duty appellant must submit the following: (1) medical evidence establishing that he has an emotional or psychiatric disorder; (2) factual evidence identifying employment factors or incidents alleged to have caused or contributed to his condition; and (3) rationalized medical opinion evidence establishing that the identified compensable employment factors are causally related to his emotional condition.³ Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant, must be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.⁴

In support of his claim for an emotional condition, appellant resubmitted a January 20, 1995 report previously considered by the Office and the Board in reaching prior decisions. Material which is repetitious or duplicative of that already in the case record has no evidentiary value in establishing a claim and does not constitute a basis for reopening a case.⁵

Appellant submitted documents from the Office of Personnel Management noting that appellant's claim for disability had been approved on June 9, 1994. The jurisdiction of the Office and the Board extends to the determination of disability under the Federal Employees' Compensation Act which is administered by the Office and the Board. The Board has held that findings of other administrative agencies are not determinative with regard to proceedings under the Act.⁶

Appellant has not submitted the necessary medical opinion evidence to establish a causal relationship between his diagnosed emotional condition and the accepted factor of employment, changing work shifts. Therefore, the Board finds that appellant has failed to meet his burden of proof in establishing that he sustained an emotional condition due to factors of his federal employment.

³ *Donna Faye Cardwell*, 41 ECAB 730, 741-42 (1990).

⁴ *Id.*

⁵ *See Kenneth R. Mroczkowski*, 40 ECAB 855, 858 (1989); *Marta Z. DeGuzman*, 35 ECAB 309 (1983); *Katherine A. Williamson*, 33 ECAB 1696, 1705 (1982).

⁶ *Donald E. Ewals*, 45 ECAB 111, 125 (1993).

The September 16, 1998 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, D.C.
May 2, 2000

Michael J. Walsh
Chairman

George E. Rivers
Member

Bradley T. Knott
Alternate Member