

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of SYLVIA GIBSON, claiming as widow of RONALD B. GIBSON and
DEPARTMENT OF THE ARMY, ARMY AIR DEFENSE COMMAND,
Darmstadt, Germany

*Docket No. 00-896; Submitted on the Record;
Issued November 14, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, MICHAEL E. GROOM,
BRADLEY T. KNOTT

The issue is whether the employee's November 13, 1996 heart disease and death were causally related to his federal employment.

On May 18, 1999 appellant, filed a claim for death benefits due to the death of her 50-year-old husband, the employee, on November 13, 1996.

In a death certificate dated November 16, 1996, the cause of death for the employee was listed as hypertensive and arteriosclerotic cardiovascular disease.

In a medical examiner's report dated November 14, 1996, Dr. William B. Rohr, a Board-certified anatomic and clinical pathologist, indicated that the death occurred due to severe and advanced heart disease.

Appellant submitted an attending physician's report dated May 18, 1999, signed by appellant as a registered nurse, diagnosing hypertension and arteriosclerotic heart disease as the cause of death. She attributed the employee's death to his employment on the basis that he had not been seen by a physician or referred to a cardiologist and that only a nurse practitioner had seen him.

By letter dated July 21, 1999, the Office of Workers' Compensation Programs advised appellant that the evidence submitted was insufficient to establish her claim and advised her as to the information required to support her claim.

Appellant responded to the Office's request by letter dated July 30, 1999 in which she stated that the lack of proper medical care the employee received from the employing establishment hastened his death. She noted that the employee had only been seen by a nurse practitioner, that his blood pressure had not been properly monitored and that he had not been referred to see a physician or cardiologist.

By decision dated September 27, 1999, the Office denied appellant's claim on the basis that the evidence did not establish that the employee's death was causally related to factors of his employment.

The Board finds that appellant has not met her burden of proof to establish that the employee's March 13, 1995 heart attack and death were causally related to his federal employment.

The Federal Employees' Compensation Act provides that the United States shall pay compensation for the disability or death of an employee resulting from personal injury sustained while in the performance of duty. However, an award of compensation in a survivor's claim may not be based on surmise, conjecture, or speculation, or on appellant's belief that the employee's death was caused, precipitated or aggravated by his employment.¹

Appellant has the burden of establishing by the weight of the reliable, probative and substantial evidence that the employee's death was causally related to factors of his employment.² This burden includes the necessity of furnishing medical opinion evidence of a cause and effect relationship based on a complete factual and medical background.³ The opinion of the physician must be one of reasonable medical certainty and must be supported by medical rationale.⁴

Appellant has submitted no medical opinion evidence supporting that the employee's death was causally related to his November 13, 1996 employment injury. In his November 16, 1996 autopsy report, Dr. Rohr concluded that the employee's death occurred due to severe and advanced heart disease. Without a well-reasoned medical opinion explaining how the employee's employment caused or contributed to the employee's death, the record fails to support appellant's claim for death benefits. Appellant's belief that factors of her husband's employment eventually led to his death is insufficient and absent medical rationale, to establish the requisite causal relationship.

¹ *Juanita Terry (Rex Terry)*, 31 ECAB 433, 434 (1980).

² *Judith L. Albert (Charles P. Albert)*, 47 ECAB 810 (1996).

³ *Kathy Marshall (Dennis Marshall)*, 45 ECAB 827, 832 (1994).

⁴ *Jacqueline Brasch (Ronald Brasch)*, 52 ECAB ____ (Docket No. 00-743, issued February 8, 2001).

The decision of the Office of Workers' Compensation Programs dated September 27, 1999 is hereby affirmed.

Dated, Washington, DC
November 14, 2001

Michael J. Walsh
Chairman

Michael E. Groom
Alternate Member

Bradley T. Knott
Alternate Member