

On October 15, 2004 appellant, then a 43-year-old air traffic controller, filed a Form CA-1, claim for traumatic injury, alleging that on that date an incident occurred that resulted in loss of standard separation between two aircraft. Appellant claimed that he sustained post-

traumatic stress syndrome due to this incident. He stopped work on October 15, 2004 following the incident.

By letter dated November 16, 2004, the Office requested that appellant submit medical evidence containing a diagnosis of any condition resulting from the October 15, 2004 incident.

No further evidence was received from appellant.

By decision dated December 16, 2004, the Office denied appellant's emotional condition claim finding that, although the record supported that the October 15, 2004 incident occurred as alleged, he failed to submit any medical evidence which provided a diagnosis of an incident-related condition and contained a medical opinion explaining the causal relationship between the diagnosed condition and the October 15, 2004 incident.<sup>1</sup>

### **LEGAL PRECEDENT**

To establish that the employee sustained an emotional condition in the performance of duty, he must submit: (1) factual evidence identifying employment factors or incidents alleged to have caused or contributed to the condition; (2) medical evidence establishing that he has an emotional or psychiatric disorder; and (3) rationalized medical opinion evidence establishing that the identified compensable employment factors are causally related to the emotional condition.

Rationalized medical opinion evidence is medical evidence that includes a physician's rationalized opinion on the issue of whether there is a causal relationship between the employee's diagnosed condition and the implicated employment factors. Such an opinion of the physician must be based on a complete factual and medical background of the employee, 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 appellant.<sup>2</sup>

### **ANALYSIS**

The Board finds that appellant has not submitted sufficient medical evidence to establish that he sustained an emotional condition on October 15, 2004 while in the performance of duty.

The Office accepted that on October 15, 2004 appellant was involved with an incident concerning two aircraft and loss of standard separation. Although appellant alleged that he sustained post-traumatic stress syndrome, he failed to submit any probative medical evidence, as requested by the Office, containing a specific diagnosis related to the incident, or containing a rationalized medical opinion addressing and explaining the causal relationship between the alleged diagnosed illness and the October 15, 2004 employment incident.

---

<sup>1</sup> Following this final decision, the Office received several medical reports, which were not considered by the Office for its final decision and therefore are not now before the Board on this appeal. See 20 C.F.R. § 501.2(c).

<sup>2</sup> See *Donna Faye Cardwell*, 41 ECAB 730 (1990); *Lillian Cutler*, 28 ECAB 125 (1976).

As appellant failed to submit any medical evidence to support his claim, he has failed to meet his burden to provide medical evidence establishing that he sustained an emotional or psychiatric disorder; or rationalized medical opinion evidence establishing that the identified compensable employment factors are causally related to the emotional condition diagnosed.

Therefore appellant has not met his burden of proof to establish his emotional condition claim.

### **CONCLUSION**

The Board finds that appellant has failed to establish that he sustained an emotional condition on October 15, 2004, causally related to an employment incident of that date which involved loss of standard separation between two aircraft.

### **ORDER**

**IT IS HEREBY ORDERED THAT** the decision of the Office of Workers' Compensation Programs dated December 16, 2004 is hereby affirmed.

Issued: July 1, 2005  
Washington, DC

Alec J. Koromilas  
Chairman

Colleen Duffy Kiko  
Member

David S. Gerson  
Alternate Member