

U.S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of ROBERTA JEAN LEE, claiming as widow of JOHNNIE BURLIN LEE and  
DEFENSE LOGISTICS AGENCY, DEFENSE REUTILIZATION AND MARKETING  
SERVICE, Charleston, S.C.

*Docket No. 96-2170; Submitted on the Record;  
Issued July 1, 1998*

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DECISION and ORDER

Before MICHAEL J. WALSH, BRADLEY T. KNOTT,  
A. PETER KANJORSKI

The issue is whether the employee's death on September 26, 1992 was causally related to factors of his federal employment.

The Board has duly reviewed the case record on appeal and finds that appellant has failed to meet her burden of proof in establishing that the employee's death on September 26, 1992 was causally related to factors of his federal employment.

Appellant filed a claim September 13, 1993 alleging that the employee's death on September 26, 1992, was caused by a stress-related heart attack due to conditions of his federal employment. In support of her claim, appellant submitted copies of the employee's marriage and death certificates, a copy of his Form SF-171, several copies of position descriptions and a five-page narrative statement submitted by the employing establishment. By letter dated November 9, 1993, the Office of Workers' Compensation Programs advised appellant of the additional information required to support her claim.

By decision dated June 20, 1994, the Office denied appellant's claim as the record contained no medical evidence, which established that the employee's death on September 26, 1992, was causally related to factors of his federal employment. In the memorandum incorporated by reference in the June 17, 1994 compensation order, the Office stated that the employee's death certificate and the emergency room notes which noted the diagnoses of acute coronary insufficiency and cardiac arrest and listed the cause of death as acute coronary insufficiency.

By letter dated July 8, 1994, appellant through her counsel requested an oral hearing, which was held on April 24, 1995. Appellant submitted an affidavit from Leon J. Bonner, the employee's site manager in support of her allegation that the employee's job, prior to his heart

attack, was stressful. In a letter dated May 23, 1995 from appellant's attorney, appellant submitted letters from three of the employee's co-workers and a letter from appellant.

By decision dated July 7, 1995, the hearing representative found the factual evidence sufficient to establish that appellant was working in excess of 10 hours per day 7 days per week for the entire month, except for 1 day, preceding his death on September 26, 1992. The hearing representative denied appellant's claim as the medical evidence of record failed to support that the employee's death was causally related to the factors of his federal employment. Thus, the hearing representative affirmed the Office's June 20, 1994 decision.

On April 1, 1996 appellant through her attorney, requested reconsideration of the hearing representative's July 7, 1995 decision. In support of her request, appellant submitted medical evidence from Dr. Anne B. Knight, appellant's treating Board-certified family physician. In a letter dated February 26, 1996, Dr. Knight noted the working conditions the employee had worked under in the month prior to his demise and opined that "[s]uch conditions could be contributing factors for problems to anyone with diabetes and hypertension." Dr. Knight also stated that "[t]here is no way to tell at this date what factors, internal or external, were most prominent" in causing the employee's death. The record also contains treatment notes for the employee's diabetes mellitus, tobacco abuse and hypertension by Dr. Knight.

By compensation order dated April 16, 1996, the Office reviewed appellant's claim on the merits and concluded that the evidence submitted was not sufficient to require modification of the July 7, 1995 hearing representative's decision denying compensation. In the memorandum accompanying the April 16, 1996 compensation order, the Office reviewed Dr. Knight's reports and concluded her office notes dated May 1 and May 5, 1992 were already in the record while the office notes dated May 29, 1992 and the summary of office notes made no mention of any cardiac condition or employment factors and that her February 23, 1996 report was equivocal because she opined that there was no way to tell what factors were most prominent in the employee's death and that his federal employment "could be contributing factors."

The Board finds that appellant has failed to meet her burden of proof in establishing that the employee's death on September 26, 1992 was causally related to factors of his federal employment.

An appellant has the burden of proving by the weight of the reliable, probative and substantial evidence that the employee's death was causally related to his federal employment. This burden includes the necessity of furnishing medical opinion evidence of a cause and effect relationship based on a proper factual and medical background.<sup>1</sup>

The medical evidence required to establish a causal relationship, generally, is rationalized medical opinion evidence.<sup>2</sup> Rationalized medical opinion evidence is medical evidence, which

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<sup>1</sup> *Timothy Forsyth (James Forsyth)*, 41 ECAB 467, 470 (1990); *Carolyn P. Spiewak (Paul Spiewak)*, 40 ECAB 552, 560 (1989).

<sup>2</sup> *See Naomi A. Lilly*, 10 ECAB 560, 572-73 (1959).

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,<sup>3</sup> must be one of reasonable medical certainty<sup>4</sup> and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors or injuries identified by the claimant.<sup>5</sup>

In this case, the Office accepted that the employee was working long hours in the month prior this death. However, appellant has failed to establish that the employee's death on September 26, 1992 from acute coronary insufficiency was due to factors of his federal employment.

The medical evidence supporting appellant's claim consists of a series of medical notes and a February 23, 1996 report from Dr. Knight. Dr. Knight's report is insufficient to establish that the employee's death was due to factors of his federal employment as she stated that the employee's work "could be" a contributing factor. She also stated that there was no way to tell what factor was most prominent in his death. Dr. Knight's opinion is thus equivocal and insufficient to meet appellant's burden of proof.

The decisions of the Office of Workers' Compensation Programs dated April 16, 1996 and July 7, 1995 are hereby affirmed.

Dated, Washington, D.C.  
July 1, 1998

Michael J. Walsh  
Chairman

Bradley T. Knott  
Alternate Member

A. Peter Kanjorski  
Alternate Member

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<sup>3</sup> *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

<sup>4</sup> *See Morris Scanlon*, 11 ECAB 384, 385 (1960).

<sup>5</sup> *See William E. Enright*, 31 ECAB 426, 430 (1980).