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<b>PAUL R. SCHWARTZ, Appellant</b>	)	
	)	
<b>and</b>	)	<b>Docket No. 04-604</b>
	)	<b>Issued: June 8, 2004</b>
<b>U.S. POSTAL SERVICE, POST OFFICE,</b>	)	
<b>Girard, OH, Employer</b>	)	
	)	

*Case Submitted on the Record*

Before:  
ALEC J. KOROMILAS, Chairman  
DAVID S. GERSON, Alternate Member  
WILLIE T.C. THOMAS, Alternate Member

On September 16, 2002 appellant, then a 54-year-old mail carrier, filed an occupational disease claim alleging that stress at work caused a cerebrovascular accident, coronary artery disease, hypertension and hyperlipidemia. He stated that he was first aware of the condition and its relationship to his employment on June 12, 2002 when he stopped work. By letter dated

October 1, 2002, the Office informed appellant of the type of evidence needed to support his claim. In particular, appellant was directed to provide a comprehensive medical report showing a diagnosis of any condition resulting from his federal work activities, and a physician's opinion, with medical reasons for such opinion, as to how the work exposure contributed to the diagnosed condition. The Office afforded appellant 30 days to submit the requested information.

In a letter dated December 1, 2002, appellant's attorney stated that the work factors that caused appellant's condition were that he was given a new walking route of five additional streets which included additional hill and stair climbing which also required that he carry additional mail, and that he was under pressure to deliver the mail within the same eight-hour period as his previous route, stating that appellant was urged by his supervisors to hurry. The attorney also noted that appellant worked in inclement weather. Appellant also submitted a September 17, 2002 report from Dr. Edward J. Novosel, an osteopathic physician specializing in family practice.

The Office accepted as employment factors that appellant had an additional five streets added to his route which required the delivery of additional mail and that he was to complete delivery within an eight-hour time frame. By decision dated March 10, 2002, the Office denied the claim, finding the medical evidence submitted insufficient to establish that appellant's condition was caused by the accepted employment factors.

On March 21, 2003 appellant, through his attorney, requested a hearing that was held on October 22, 2003. At the hearing appellant was again informed of the type evidence needed to support his claim. By decision dated November 25, 2003, an Office hearing representative affirmed the prior decision.

### **LEGAL PRECEDENT**

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (1) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; and (3) medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant. The medical opinion 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.<sup>1</sup>

Causal relationship is a medical issue and the medical evidence required to establish a causal relationship is rationalized medical evidence.<sup>2</sup> Rationalized medical evidence is medical evidence which includes a physician's rationalized medical 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

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<sup>1</sup> *Solomon Polen*, 51 ECAB 341 (2000).

<sup>2</sup> *Jacqueline M. Nixon-Steward*, 52 ECAB 140 (2000).

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.<sup>3</sup> Neither the fact that a disease or condition manifests itself during a period of employment nor the belief that the disease or condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.<sup>4</sup>

### **ANALYSIS**

In the instant case, appellant alleged that stress at work caused a cerebrovascular accident, coronary artery disease, hypertension and hyperlipidemia, and the Office accepted that appellant's work route was increased and had an eight-hour delivery time frame. The Board finds, however, that appellant did not submit evidence sufficient to meet the requirements to establish that he sustained an injury in the performance of duty. The only medical evidence of record is a September 17, 2002 report in which Dr. Novosel stated that appellant was under his professional care, that on June 12, 2002 appellant presented to the hospital with a cerebrovascular accident and that on August 27, 2002 he underwent a triple coronary artery bypass. The physician named other physicians caring for appellant and dates of examination, noting that he would begin a cardiac rehabilitation program and concluded that working diagnoses were post-cerebrovascular accident, coronary artery disease, hypertension and hyperlipidemia.

The Board finds that this brief report, which merely includes an outline of appellant's care but does not contain an opinion regarding causal relationship, insufficient to establish the presence or existence of the disease or condition for which compensation is claimed or to establish that the diagnosed condition is causally related to the employment factors that have been accepted as employment related.

### **CONCLUSION**

The Board finds that appellant has failed to establish that the conditions claimed are causally related to factors of employment.

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<sup>3</sup> *Leslie C. Moore*, 52 ECAB 132 (2000); *Gary L. Fowler*, 45 ECAB 365 (1994).

<sup>4</sup> *Dennis M. Mascarenas*, 49 ECAB 215 (1997).

**ORDER**

**IT IS HEREBY ORDERED THAT** the decisions of the Office of Workers' Compensation Programs dated November 25 and March 10, 2003 are affirmed.

Issued: June 8, 2004  
Washington, DC

Alec J. Koromilas  
Chairman

David S. Gerson  
Alternate Member

Willie T.C. Thomas  
Alternate Member