

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CATHERINE M. ARMSTED and DEPARTMENT OF VETERANS AFFAIRS,
VETERANS ADMINISTRATION HOSPITAL, Hines, Ill.

*Docket No. 96-1436; Submitted on the Record;
Issued April 9, 1998*

DECISION and ORDER

Before GEORGE E. RIVERS, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant has met her burden of proof in establishing that she sustained an injury in the performance of duty on August 28, 1995.

The Board has duly reviewed the case on appeal and finds that it is not in posture for decision.

Appellant filed a claim on August 30, 1995 alleging on August 28, 1995 she had a heated discussion with a coworker and developed chest pain and shortness of breath. The Office of Workers' Compensation Programs denied appellant's claim on March 6, 1996 finding that she failed to submit sufficient medical evidence to establish a causal relationship between her diagnosed conditions and her accepted employment incident.

In order to determine whether an employee actually sustained an injury in the performance of duty, the Office begins with an analysis of whether fact of injury has been established. Generally, fact of injury consists of two components which must be considered in conjunction with one another. The first component to be established is that the employee actually experienced the employment incident which is alleged to have occurred.¹ The second component is whether the employment incident caused a personal injury and generally can be established only by medical evidence. To establish a causal relationship between the condition, as well as any attendant disability claimed, and the employment event or incident, the employee must submit rationalized medical opinion evidence, based on a complete factual and medical background, supporting such a causal relationship.² 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

¹ *Elaine Pendleton*, 40 ECAB 1143 (1989).

² *See* 20 C.F.R. § 10.110(a); *John M. Tornello*, 35 ECAB 234 (1983).

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. The weight of medical evidence is determined by its reliability, its probative value, its convincing quality, the care of analysis manifested and the medical rationale expressed in support of the physician's opinion.³

In this case, the Office accepted that the verbal confrontation occurred on May 25, 1995 in the performance of duty. However, the Office found the medical evidence submitted was not sufficient to establish appellant's claim.

Dr. William J. Sarantos, an internist, submitted a report dated September 30, 1995 and diagnosed mitral valve prolapse and chest pain exacerbation. Dr. Sarantos indicated with a checkmark "yes" that appellant's condition was caused or aggravated by her employment and stated, "Patient's condition was aggravated by argument at work." In a report dated February 2, 1996, Dr. Sarantos noted appellant experienced chest pain and shortness of breath related to surgery on May 11, 1994. He also stated that appellant experienced an exacerbation of her chest pain related to an incident at work on August 28, 1995.

These reports contain a history of injury, diagnosis and an opinion that appellant's preexisting condition was exacerbated by the accepted employment incident. While these reports are not sufficient to meet appellant's burden of proof, they do raise an uncontroverted inference of causal relation between appellant's accepted employment incident on August 28, 1995 and an exacerbation of her diagnosed condition and are sufficient to require the Office to undertake further development of appellant's claim.⁴

On remand the Office should refer appellant, a statement of accepted facts, including appellant's prior accepted employment injuries and resultant surgeries and a list of accepted questions to an appropriate Board-certified specialist to determine if the employment incident of August 28, 1995 resulted in a temporary or permanent aggravation of appellant's diagnosed condition.

³ *James Mack*, 43 ECAB 321 (1991).

⁴ *John J. Carlone*, 41 ECAB 354, 358-60 (1989).

The decision of the Office of Workers' Compensation Programs dated March 6, 1996 is hereby set aside and remanded for further development consistent with this opinion.

Dated, Washington, D.C.
April 9, 1998

George E. Rivers
Member

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member