

U.S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ANTHONY T. PAPANDREA and DEPARTMENT OF THE ARMY,
U.S. MILITARY ACADEMY, West Point, N.Y.

*Docket No. 96-2590; Submitted on the Record;
Issued August 20, 1998*

DECISION and ORDER

Before DAVID S. GERSON, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant's right leg condition is causally related to his employment.

Appellant has the burden of establishing by the weight of the reliable, probative and substantial evidence that his condition was caused or adversely affected by his employment. As part of this burden he must present rationalized medical opinion evidence, based on a complete factual and medical background, showing causal relation. The mere fact that a disease manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two. Neither the fact that the disease became apparent during a period of employment, nor the belief of appellant that the disease was caused or aggravated by employment conditions, is sufficient to establish causal relation.¹

In the present case, appellant filed a claim for compensation alleging that his right leg became swollen, red and painful as a result of factors of federal employment which the Office denied by decision dated May 22, 1996.

In support of his claim, appellant submitted a June 3, 1992 medical report from Dr. Joseph F. Yacovone, Board-certified in radiology, diagnosing deep venous thrombosis in the right lower extremity. But neither this report nor any of the other medical reports submitted by appellant attributed appellant's claimed condition to his federal employment. In a July 16, 1992 medical report, Dr. Donald M. Pearlman, Board-certified in thoracic surgery, stated that appellant "has iliofemoral thrombophlebitis with clouding" in the right foot area. However, Dr. Pearlman did not indicate that appellant's condition was causally related to factors of his federal employment. In a December 30, 1995 medical report, Dr. David Fisher, Board-certified in radiology, noted that appellant's color doppler evaluation revealed a partially occlusive blood clot in the right lower extremity venous system; however, he submitted no medical narrative to establish a causal relationship between appellant's condition and his federal employment. In a

¹ *Ruby I. Fish*, 46 ECAB 276 (1994).

February 1, 1996 medical report, Dr. Gary W. Theall, a Board-certified surgeon, stated that appellant's deep venous thrombosis of the right lower extremity was aggravated by his employment due to his highly sedentary position. However, Dr. Theall did not submit a medical narrative to establish a causal relationship between appellant's condition and the sedentary nature of his federal employment.² In a March 29, 1996 medical report, Dr. Franklin H. Zimmerman, Board-certified in internal medicine, stated that appellant had been under his care since 1990 for coronary heart disease and noted that a recent physical examination revealed significant right peripheral edema and postphlebotic syndrome. He indicated that appellant "should be disabled and that he cannot perform the policy and procedure of his regular job." However, Dr. Zimmerman did not submit a rationalized medical opinion, which would establish a causal relationship between appellant's condition and his federal employment.

Because the case record contains no rationalized medical evidence that attributes appellant's right leg condition to his federal employment, appellant has failed to meet his burden of proof.

The decision of the Office of Workers' Compensation Programs dated May 22, 1996 is affirmed.

Dated, Washington, D.C.
August 20, 1998

David S. Gerson
Member

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member

² The Office of Workers' Compensation Programs after receipt of Dr. Theall's report, notified appellant that the medical evidence submitted was insufficient to support his claim, and indicated what kind of evidence would be necessary to support his claim including his treating physician's opinion as to how his federal employment caused or aggravated his medical condition.