

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of MARY J. RUDDY and U.S. POSTAL SERVICE,  
POST OFFICE, Lehigh Valley, Pa.

*Docket No. 96-2043; Submitted on the Record;  
Issued June 5, 1998*

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DECISION and ORDER

Before GEORGE E. RIVERS, DAVID S. GERSON,  
WILLIE T.C. THOMAS

The issue is whether appellant has established that she sustained an emotional condition in the performance of her federal employment.

The Board has duly reviewed the case record and finds that appellant has not met her burden of proof in this case.

This is the second appeal of this case. By decision dated December 4, 1995,<sup>1</sup> the Board found that while appellant has established that several compensable factors of employment occurred in the performance of her federal employment, appellant had not submitted the necessary medical evidence to establish that the accepted factors of employment caused or aggravated the alleged emotional condition. The Board affirmed the Office's decision dated September 28, 1993 denying appellant's claim.

On December 14, 1995 appellant again requested that the Office reconsider her claim. In support of this request for reconsideration, appellant submitted two additional medical reports from her treating psychiatrist, Dr. Martha A. Turnberg. The Office denied modification of its prior decision, after merit review, on March 19, 1996.

Appellant's burden of proof is not discharged by the fact that she has established employment factors which may give rise to a compensable disability under the Act. To establish her occupational disease claim for an emotional condition, appellant must also submit rationalized medical evidence establishing that she has an emotional or psychiatric disorder and that such disorder is causally related to an accepted compensable employment factor or factors.<sup>2</sup>

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<sup>1</sup> Docket No. 94-716 (issued December 4, 1995).

<sup>2</sup> *Elizabeth W. Esnil*, 46 ECAB 606 (1995).

In a report dated July 26, 1995, Dr. Turnberg related that she had worked with appellant for many years, through lengthy hospitalizations and outpatient visits. Dr. Turnberg related that appellant's history documented that appellant had difficulty throughout her life with success. Dr. Turnberg noted that appellant had decompensated after successfully graduating from a nursing program, and that appellant worked at the employing establishment and functioned well until she received a promotion. Dr. Turnberg thereafter stated "question as to whether or not actual situations at the [employing establishment] including the actions of her co-workers and superiors had an adverse effect on her mental health was considered. Certainly [appellant] appears to have underlying psychological distress and vulnerability that would have made her condition deteriorate with the added stress of difficulties with her superiors." Dr. Turnberg concluded that, while she could provide a very detailed report of each aspect of appellant's records, it was her understanding that only an "initial impression" was sought. Dr. Turnberg stated that her impression was that "work[-]related problems may have exacerbated her condition," but that appellant had a preexisting condition.

In a report dated August 17, 1995, Dr. Turnberg related that appellant's first psychiatric hospitalization occurred during her duty with the Navy, following which she had additional mental health treatment for several years. Dr. Turnberg related that appellant had a period of approximately 16 years prior to her employment with the employing establishment during which she functioned well. Dr. Turnberg concluded that in light of this history, "the stress associated with her work for the [employing establishment] seems to have been a major contributing factor to her psychiatric illness since 1990." Dr. Turnberg concluded by stating that "it appears that there was a distinct causal relationship between the happenings at the [employing establishment] and Mary's mental health problems."

While Dr. Turnberg's reports relate in general terms that appellant's emotional condition is causally related to her federal employment, these reports are still of limited probative medical value and are not sufficient to meet appellant's burden of proof. To be of probative medical value, a physician's opinion regarding the cause of an emotional condition must relate the condition to the specific incidents or conditions of employment accepted as factors of employment, must be based on a complete and accurate factual history, and must contain adequate medical rationale in support of the conclusions.<sup>3</sup> Dr. Turnberg's reports did not relate an awareness of any specific accepted incidents of employment and did not explain how such specific factors caused or aggravated appellant's condition. Furthermore, Dr. Turnberg did not provide a proper medical history with explanation of appellant's current diagnosis and diagnosis of appellant's preexisting condition. Also, Dr. Turnberg's general conclusions regarding causal relationship did not provide the necessary medical rationale to explain why medically the specific employment factors accepted would have caused the diagnosed condition. As such, Dr. Turnberg's reports were of limited probative medical value and were not sufficient to establish appellant's claim. As appellant has not submitted the necessary medical evidence which causally relates the accepted factors of appellant's employment to her emotional condition, appellant has not met her burden of proof in this case.

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<sup>3</sup> *Id.*

The decision of the Office of Workers' Compensation Programs dated March 19, 1996 is hereby affirmed.

Dated, Washington, D.C.  
June 5, 1998

George E. Rivers  
Member

David S. Gerson  
Member

Willie T.C. Thomas  
Alternate Member