

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ELIBERTO YZAQUIRRE and U.S. POSTAL SERVICE,
POST OFFICE, Brownsville, Tex.

*Docket No. 96-2676; Submitted on the Record;
Issued March 17, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
MICHAEL E. GROOM

The issue is whether appellant has met his burden of proof in establishing that he had any condition or disability causally related to exposure to chemicals at work.

On February 23, 1996 appellant, then a 46-year-old letter carrier, filed a claim for chest pain and shortness of breath which he related to exposure to fumes from a chemical spill on his delivery route. In a May 29, 1996 decision, the Office of Workers' Compensation Programs rejected appellant's claim on the grounds that he failed to demonstrate a causal relationship between the work incident and the claimed condition.

The Board finds that appellant has not met his burden of proof in establishing that he has any condition causally related to exposure to chemicals at work.

A person who claims benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of his claim. Appellant has the burden of establishing by reliable, probative, and substantial evidence that his medical condition was causally related to a specific employment incident or to specific conditions of employment.² As part of such burden of proof, rationalized medical opinion evidence showing causal relation must be submitted.³ The mere fact that a condition manifests itself or worsens during a period of employment does not raise an inference of causal relationship between the condition and the employment.⁴ Such a relationship must be shown by rationalized medical evidence of causal

¹ 5 U.S.C. §§ 8101-8193.

² *Margaret A. Donnelly*, 15 ECAB 40, 43 (1963).

³ *Daniel R. Hickman*, 34 ECAB 1220, 1223 (1983).

⁴ *Juanita Rogers*, 34 ECAB 544, 546 (1983).

relation based upon a specific and accurate history of employment incidents or conditions which are alleged to have caused or exacerbated a disability.⁵

Appellant indicated that on November 19, 1995 there was a chemical spill at a business on his delivery route. He stated that when he delivered mail to the business in the last week of November, he had a burning, itching sensation all over his body and he felt dizzy and light-headed. Appellant indicated that mail delivery was suspended at that location and his mail vehicle was washed several times because it had been contaminated and had a strong odor. Delivery was resumed on December 18, 1995 but in the last week of December appellant again complained of dizziness and light-headedness, as well as a burning sensation of the nose, throat and lungs after delivery mail to the business. He reported that he also felt the burning of skin when he opened the door of his postal vehicle. By the first week of January 1996, he began feeling chest pains. Appellant stated that another carrier who took over his route began to feel the same symptoms. He indicated that his symptoms decreased after his clothes and postal vehicle were replaced in March 1996.

The employing establishment indicated that in November 1995 a business on appellant's delivery route had a leak of cyclohexanone from a 55-gallon drum at a site approximately 2 blocks from where the mail was delivered. The employing establishment indicated that mail delivery was suspended at the site for a few weeks as a precaution. It reported that on February 26, 1996 a state agency conducted an analysis of a soil sample from the site and found no evidence of cyclohexanone. The employing establishment noted that appellant often complained of dizziness which he related to the chemical spill, but pointed out that other letter carriers who delivered the same route, in the same vehicle, had not expressed any discomfort.

In a February 16, 1996 report, Dr. Margaret R.W. Diaz, a general practitioner, reported that appellant stated he was exposed to chemicals in his route. She stated that on examination appellant had bilateral conjunctivitis, stuffy, red nasal concha, a red throat and cervical adenopathy. Dr. Diaz indicated that a strep test was positive. She diagnosed streptococcal pharyngitis and exposure and recovery from cyclohexanone. Dr. Diaz concluded that appellant's original exposure to cyclohexanone caused his respiratory problem. She presented a diagnosis of appellant's condition and a conclusion on the cause of the condition. However, she did not explain how exposure to cyclohexanone would cause appellant's respiratory problems or his streptococcal pharyngitis, how such exposure would cause disability or how appellant's symptoms would persist in the absence of any evidence of continued exposure to the chemical. Her report therefore has diminished probative value and is insufficient to show that appellant had any respiratory condition or disability due to exposure to chemicals. Appellant has not met his burden of proof.

⁵ *Edgar L. Colley*, 34 ECAB 1691, 1696 (1983).

The decision of the Office of Workers' Compensation Programs, dated May 29, 1996, is hereby affirmed.

Dated, Washington, D.C.
March 17, 1998

Michael J. Walsh
Chairman

George E. Rivers
Member

Michael E. Groom
Alternate Member