

U.S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of GUADALUPE M. COLINDRES and DEPARTMENT OF THE ARMY,  
DARNALL ARMY HOSPITAL, Fort Hood, Tex.

*Docket No. 96-2571; Submitted on the Record;  
Issued September 4, 1998*

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DECISION and ORDER

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

The issue is whether appellant has met her burden of proof to establish that she sustained an emotional condition while in the performance of duty causally related to factors of her federal employment.

On September 28, 1995 appellant, then a 34-year-old accounting technician, filed a claim for compensation alleging that on September 26, 1995, she became "lightheaded, nervous, nauseated, tensed, headaches, and felt cold (stressed) chest pain" as a result of a performance-related discussion with a supervisor.

In a treatment note dated September 26, 1995, appellant alleged a "long history of 'mental abuse' by immediate supervisor," including allegations of "screening calls, verbal abuse, [and] intimidation based on [work] ratings/performance evaluations." Appellant was referred to a health clinic for stress management. In a medical report dated September 27, 1995, Dr. Larry D. Reed, a general practitioner, stated that appellant was evaluated in the employing establishment's clinic for work-related symptoms of stress "which have been severe enough to cause her to miss work." He added that "those symptoms may persist, and if they do may well lead to her missing further work."

By letter dated December 4, 1995, the Office of Workers' Compensation Programs advised appellant that the evidence of record was insufficient to establish her claim for an emotional condition and requested that she submit additional factual and medical evidence. The Office requested appellant to describe in detail the employment-related conditions or incidents she believed responsible for her condition as well as any outside sources of stress which may have contributed to the development of her condition. The Office also requested appellant to submit a comprehensive medical report which included a reasoned opinion addressing causal relationship between appellant's claimed condition and factors of her federal employment. The Office allowed appellant approximately 30 days within which to submit the requested evidence.

In a treatment note dated October 29, 1995 and received by the Office on December 22, 1995, Dr. Kurt E. Belk, specializing in emergency medicine, noted appellant's narrative medical history including references to "stress at work," and "very anxious, feels supervisor is persecuting her." He diagnosed anxiety and depression.

Appellant did not submit any additional evidence.

By decision dated February 21, 1996, the Office rejected appellant's claim, finding that the evidence of record failed to establish fact of injury. The Office found that the evidence of record failed to establish that appellant sustained an emotional condition as alleged. The Office found that no evidence was submitted that established that the incident of harassment she alleged had indeed occurred.

The Board finds that appellant has not met her burden of proof to establish that she sustained an emotional condition causally related to factors of her federal employment while in the performance of duty.

An employee seeking benefits under the Federal Employees' Compensation Act<sup>1</sup> has the burden of establishing the essential elements of his or her claim including that an injury was sustained in the performance of duty as alleged and that any disability or specific condition for which compensation is claimed is causally related to the employment injury.<sup>2</sup> These are essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.<sup>3</sup>

To establish that she has sustained an emotional condition causally related to factors of her federal employment, appellant must submit: (1) factual evidence identifying and supporting employment factors or incidents alleged to have caused or contributed to her condition; (2) rationalized medical evidence establishing that she has an emotional condition or psychiatric disorder; and (3) rationalized medical opinion evidence establishing that her emotional condition is causally related to the identified compensable employment factors. Rationalized medical opinion evidence is medical evidence that 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 employment factors. The opinion of the physician must be based on a complete factual and medical background, 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 appellant.<sup>4</sup>

In the present case, appellant alleged that she became "lightheaded, nervous, nauseated, tensed, headache, and cold" as a result of a discussion with her supervisor in which appellant

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<sup>1</sup> 5 U.S.C. §§ 8101- 8193.

<sup>2</sup> *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

<sup>3</sup> *Victor J. Woodhams*, 41 ECAB 345, 351-52 (1989).

<sup>4</sup> *See Kathleen D. Walker*, 42 ECAB 603, 608-09 (1991).

alleged that her supervisor wrongfully accused her of not doing what she was told. The Office rejected appellant's claim finding that she failed to establish that she developed an emotional condition in the performance of duty, finding that no evidence was submitted to establish that the incident of harassment she alleged had indeed occurred. The Office advised appellant that the evidence of record was insufficient to establish her claim and requested that she submit additional factual and medical evidence. Appellant, however, did not submit any additional evidence.

Further, none of the evidence appellant did submit included a rationalized medical opinion, based on a complete factual and medical background, establishing causal relation between a diagnosed condition and specific employment factors.<sup>5</sup> Dr. Reed stated that appellant demonstrated work-related stress symptoms which caused her to miss work. Dr. Belk referred to appellant's medical history including references to stress, anxiety and feelings of persecution. However, neither of these reports includes a discussion of specific employment factors nor do they provide a rationalized opinion explaining how and why appellant's federal employment caused or contributed to her diagnosed condition. The opinions of Drs. Reed and Belk consist solely of a conclusory statement without supporting rationale and are therefore of little probative value.<sup>6</sup> Without a reasoned medical opinion explaining how or why specific employment factors caused or contributed to appellant's diagnosed condition, these reports are insufficient to establish her claim.

Thus, the Board finds that appellant has not met her burden of proof to establish that she sustained an emotional condition causally related to factors of her federal employment while in the performance of duty.

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<sup>5</sup> The Board notes that workers' compensation law is not applicable to each and every injury or illness that is somehow related to an employee's employment. There are distinctions as to the type of situation giving rise to an emotional condition which will be covered under the Act. *Lillian Cutler*, 28 ECAB 125, 129-30 (1976).

<sup>6</sup> See *Leon Harris Ford*, 31 ECAB 514, 518 (1980); *Neil Oliver*, 31 ECAB 400, 404 (1980); *Lenten F. Lucas*, 30 ECAB 925, 928 (1979).

The February 21, 1996 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, D.C.  
September 4, 1998

David S. Gerson  
Member

Bradley T. Knott  
Alternate Member

A. Peter Kanjorski  
Alternate Member