

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of WILLIAM F. McSWEENEY and U.S. POSTAL SERVICE,  
POST OFFICE, Greensboro, N.C.

*Docket No. 97-692; Submitted on the Record;  
Issued February 16, 1999*

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DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,  
A. PETER KANJORSKI

The issue is whether appellant established that he sustained a back injury causally related to factors of federal employment.

The Board has duly reviewed the case record in the present appeal and finds that appellant has not established that he sustained an employment-related injury.

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<sup>2</sup> including the fact that the individual is an "employee of the United States" within the meaning of the Act,<sup>3</sup> that the claim was timely filed within the applicable time limitation period of the Act,<sup>4</sup> that an injury was sustained in the performance of duty as alleged, and that any disability and/or specific condition for which compensation is claimed are causally related to the employment injury.<sup>5</sup> These are essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.<sup>6</sup> However, an employee's statement alleging that an injury occurred at a given time and in a given manner is of great probative value and will stand unless refuted by strong and persuasive evidence.<sup>7</sup>

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

<sup>2</sup> See *Daniel R. Hickman*, 34 ECAB 1220 (1983); see also 20 C.F.R. § 10.110.

<sup>3</sup> See *James A. Lynch*, 32 ECAB 216 (1980); see also 5 U.S.C. § 8101(1).

<sup>4</sup> 5 U.S.C. § 8122.

<sup>5</sup> See *Melinda C. Epperly*, 45 ECAB 196 (1993).

<sup>6</sup> See *Delores C. Ellyett*, 41 ECAB 992 (1990); *Victor J. Woodhams*, 41 ECAB 345 (1989).

<sup>7</sup> See *Robert A. Gregory*, 40 ECAB 478 (1989).

Causal relationship is a medical issue,<sup>8</sup> and the medical evidence required to establish a causal relationship is rationalized medical evidence. Rationalized medical evidence is medical evidence which includes a physician's rationalized medical 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 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.<sup>9</sup> Moreover, neither the mere fact that a disease or condition manifests itself during a period of employment nor the belief that the disease or condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.<sup>10</sup>

The facts in this case, indicate that on August 7, 1994 appellant, then a 56-year-old FSM clerk, filed a claim contending that on July 13, 1994 he sustained a severe attack of angina that required medical treatment due to chemical odors at the employing establishment. By letters dated August 26 and September 23, 1994, the Office of Workers' Compensation Programs informed him of the type evidence needed to establish his claim and, in an October 26, 1994 decision, found that appellant was exposed to chemicals at the employing establishment but that the medical evidence of record did not establish that his medical condition was causally related to factors of employment. On November 4, 1994 appellant's representative requested a hearing and submitted additional evidence. Following the hearing, held on May 9, 1995, by decision dated August 17, 1995 and finalized August 22, 1995, an Office hearing representative affirmed the prior decision. The facts of this case as set forth in the hearing representative's decision are hereby incorporated by reference. On July 31, 1996 appellant's representative requested reconsideration and submitted additional evidence. By decision dated September 24, 1996, the Office denied modification of the prior decision, finding the evidence submitted with appellant's request irrelevant to the issue of whether his medical condition was causally related to factors of employment. The instant appeal follows.

The Board finds that appellant has not established that the July 13, 1994 employment incident resulted in an injury as the record contains no rationalized medical evidence that relates appellant's condition to the employment incident. Appellant submitted hospital records during which he underwent coronary bypass surgery, an August 2, 1994 report, from Dr. R.A. Weintraub, a Board-certified cardiologist, who advised that appellant should not work because of excessive fumes, and office notes from Dr. Weintraub and Dr. P.F. Kwiatkowski, a Board-certified internist, none of which discuss the cause of appellant's condition. In fact, the only medical report that provides an opinion regarding the cause of his condition is a report from Dr. J. Phillip Reeve who provided an October 4, 1994 report to the employing establishment advising that appellant's complaints were not employment related. As appellant did not provide

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<sup>8</sup> *Mary J. Briggs*, 37 ECAB 578 (1986).

<sup>9</sup> *Gary L. Fowler*, 45 ECAB 365 (1994); *Victor J. Woodhams*, *supra* note 6.

<sup>10</sup> *Minnie L. Bryson*, 44 ECAB 713 (1993); *Froilan Negron Marrero*, 33 ECAB 796 (182).

the necessary medical evidence to establish that the July 13, 1994 employment incident caused his medical condition, the Office properly denied his claim.<sup>11</sup>

The decision of the Office of Workers' Compensation Programs dated September 24, 1996 is hereby affirmed.

Dated, Washington, D.C.  
February 16, 1999

Michael J. Walsh  
Chairman

David S. Gerson  
Member

A. Peter Kanjorski  
Alternate Member

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<sup>11</sup> The Board notes that appellant also submitted definitions and reports regarding exposure to chemicals. Newspaper clippings, medical texts and excerpts from publications none of which, however, of no evidentiary value in establishing the necessary causal relationship between a claimed condition and employment factors because such materials are of general application and are not determinative of whether the specifically claimed condition is related to the particular employment factors alleged by the employee. *Dominic E. Coppo*, 44 ECAB 484 (1993).