

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DELORES McCREA-WOOLENS and U.S. POSTAL SERVICE,
SAUNDERS STATION, Richmond, Va.

*Docket No. 97-1683; Submitted on the Record;
Issued February 18, 1999*

DECISION and ORDER

Before WILLIE T.C. THOMAS, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant sustained an injury in the performance of duty.

On November 19, 1996 appellant, then a 46-year-old window clerk, returned to work from lunch when she began to cough and sneeze, have difficulty in breathing, felt burning in her throat and nose and experienced dizziness. A witness indicated that she began coughing and sneezing at the same time as appellant which indicated to both of them that there was something in the air. In a February 13, 1997 decision, the Office of Workers' Compensation Programs denied appellant's claim on the grounds that the evidence of record failed to establish that appellant sustained an injury as alleged. In a March 31, 1997 merit decision, the Office denied appellant's request for modification of the prior decision.

The Board finds that appellant has not established that she sustained an injury in the performance of duty.

When an employee claims an injury in the performance of duty, the claimant must submit sufficient evidence to establish that he or she experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. The claimant must also establish that such event, incident or exposure caused an "injury" as defined by the Federal Employees' Compensation Act and its regulations.¹ The claimant 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

¹ *O. Paul Gregg*, 46 ECAB 624 (1995).

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

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

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 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 she, coworkers and customers at the employing establishment on the day in question were coughing and sneezing. One coworker became sick. One customer suggested that the lobby of the employing establishment smelled of mace. Appellant related that the supervisor opened the doors of the employing establishment to air out the building but commented that the effects lingered for a few hours. Appellant stated that her nose burned, her throat hurt and her head felt as if it were in a vise. She commented that she had to use her inhaler several times that day which rarely happened to her. She indicated that she felt the symptoms throughout the night after the incident and on the next day was taken by her supervisor to the hospital. Appellant's statement establishes that she was exposed to some substance at work which provoked a reaction from her and others at the employing establishment.

The medical evidence, however, does not establish that appellant's condition was related to the exposure to the unknown substance. In a January 23, 1997 report, Dr. Jairy Hunter, a family practitioner, related appellant's history and symptoms when she was seen on November 20, 1996 after her exposure to an unknown allergen or toxin. He indicated that appellant's oxygen saturation was 100 percent. He noted that appellant was in mild discomfort but no distress. He reported that she had a dry cough. He related that, because of appellant's suggestion of exposure to pepper spray or mace, he contacted the Virginia Poison Control Center, which indicated that a mace-type spray would induce the symptoms appellant experienced but added that it would be unlikely that the effects would be felt 24 hours after exposure. Dr. Hunter stated that, although mace spray toxin appeared unlikely, it was very possible that appellant had experienced an allergic reaction to an unknown allergen. He indicated that his assessment was based on appellant's history and on the physical findings at the time of examination. Dr. Hunter's report, in stating that it was "very possible" that appellant had an allergic reaction to an unknown allergen, was speculative and equivocal. He did not give a rationalized opinion which definitely related a known allergen to appellant's symptoms. His report, therefore, has little probative value and is insufficient to satisfy appellant's burden of proof.

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

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

The decisions of the Office of Workers' Compensation Programs, dated March 31 and February 13, 1997, are hereby affirmed.

Dated, Washington, D.C.
February 18, 1999

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member