

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of DOROTHY L. WILSON and U.S. POSTAL SERVICE,  
POST OFFICE, Oakland, Calif.

*Docket No. 97-1286; Submitted on the Record;  
Issued January 13, 1999*

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DECISION and ORDER

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

The issue is whether appellant established that she had any disability after December 11, 1996 causally related to the employment-related temporary aggravation of asthma.

On October 31, 1995 appellant, then a 63-year-old mail distributor, filed a notice of occupational disease claim alleging she first realized that her asthma was caused or aggravated by factors of her employment on September 21, 1995. She stated that on September 16, 1996 dust at work caused incessant coughing and vomiting which led to loss of bladder control. She stopped work on October 26, 1995 and missed intermittent periods thereafter. The Office of Workers' Compensation Programs accepted that appellant sustained employment-related temporary aggravation of asthma.

In support of her claim, appellant submitted a number of form physician reports from Kaiser Permanente<sup>1</sup> that included diagnoses of bronchitis, occupational allergic rhinitis and occupational asthma, with brief notations that her condition was aggravated by dust exposure at work.

On March 21, 1996 the Office referred appellant, along with the medical record, a statement of accepted facts and a set of questions, to Dr. Revels M. Cayton, a Board-certified pulmonologist, for a second-opinion evaluation. By report dated May 9, 1996, Dr. Cayton advised that there was subjective evidence of an irritating exposure in the workplace but no

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<sup>1</sup> The majority of the reports are signed by Dr. Maria Lungu who practices occupational medicine.

objective evidence of toxic exposure and no impairment. He noted normal pulmonary function studies and diagnosed asthma, stating:

“[Appellant] has asthma. There is no evidence that [appellant’s] asthma was caused by her occupation. It is certainly reasonable to assume that there was a period of temporary exacerbation of her asthma with exposure to dust in the workplace. Having said that, [appellant’s] asthma is now where it would be had she never had exposure to dust in the workplace.”

Allergy scratch tests were negative and a cardiopulmonary exercise test was submaximal due to poor exertion.

Following an Office request, Dr. Cayton submitted a supplementary report dated July 9, 1996 in which he stated that appellant had a “period of one week, five working days” when she was unable to work because of an exacerbation of underlying asthma from employment-related dust exposure, following which was a complete resolution of symptoms.

By decision dated November 27, 1996, the Office found that the evidence of record failed to establish that appellant suffered any residuals causally related to employment factors. In the attached memorandum, the Office stated that the weight of the medical evidence rested with Dr. Cayton’s opinion, and advised that appellant was entitled to compensation for five working days after each exposure to dust.<sup>2</sup>

Under the Federal Employees’ Compensation Act,<sup>3</sup> where employment factors cause an aggravation of an underlying condition, the employee is entitled to compensation for the period of disability related to the aggravation. However, where the aggravation is temporary, as in the present case and leaves no permanent residuals, compensation is not payable for periods after the aggravation has ceased.<sup>4</sup> This is true even though the employee is found medically disqualified to continue in such employment because of the effect which employment factors might have on the underlying condition. Under such circumstances, an employee’s disqualification for continued employment is due to the underlying condition without any contribution by the employment.<sup>5</sup>

Causal relationship must be established by rationalized medical opinion evidence.<sup>6</sup> While appellant submitted a number of form reports from her treating physicians, these reports did not include any explanation of how specific allergens or dust at the employing establishment warehouse caused or contributed to her asthma. They are, therefore, of limited probative value

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<sup>2</sup> This encompassed the periods September 16 to 22, October 26 to 30 and December 7 to 11, 1995.

<sup>3</sup> 5 U.S.C. § 8101 *et. seq.*

<sup>4</sup> See *Gary R. Sieber*, 46 ECAB 215 (1994).

<sup>5</sup> See *Marion Thornton*, 46 ECAB 899 (1995).

<sup>6</sup> See *Victor H. Woodhams*, 41 ECAB 345 (1989).

because they do not include sufficient medical rationale in support of their conclusions.<sup>7</sup> Dr. Cayton, however, furnished thorough, well-rationalized reports in support of his conclusion that the temporary aggravation of appellant's asthma did not continue beyond December 11, 1996. Therefore the Office properly determined that appellant was not entitled to compensation benefits after that date.

The decision of the Office of Workers' Compensation Programs dated November 27, 1996 is hereby affirmed.

Dated, Washington, D.C.  
January 13, 1999

David S. Gerson  
Member

Bradley T. Knott  
Alternate Member

A. Peter Kanjorski  
Alternate Member

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<sup>7</sup> See *Mary Lou Barragy*, 46 ECAB 781 (1995).