

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of RICHARD V. FORNILI and U.S. POSTAL SERVICE,
POST OFFICE, Providence, RI

*Docket No. 98-1141; Submitted on the Record;
Issued November 3, 1999*

DECISION and ORDER

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

The issue is whether appellant met his burden of proof to establish that he sustained an injury causally related to factors of employment.

The Board has duly reviewed the case record and finds that appellant failed to meet his burden of proof.

On October 30, 1997 appellant, then a 59-year-old assignment clerk¹ filed an occupational disease claim, alleging that factors of employment caused him to sustain a mild heart attack on October 9, 1997.² By letter dated December 17, 1997, the Office informed appellant of the type of evidence needed to support his claim, which was to include a comprehensive report from his physician explaining how employment exposure contributed to his condition. By decision dated February 10, 1998, the Office denied appellant's claim on the grounds that the medical evidence was insufficient to establish that his condition was causally related to factors of employment. The instant appeal follows.

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (1) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; (2) a factual statement identifying the factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; and (3) medical evidence establishing that the factors

¹ The record indicates that appellant had three prior claims for occupational disease before the Office of Workers' Compensation Programs involving four separate heart attacks which appellant alleged were employment related. The Office denied appellant's prior claims by decisions dated June 13, 1990, March 28, 1991, February 8, 1992, June 8 and September 29, 1994. As these decisions of the Office were issued more than one year prior to appellant's appeal to the Board, filed on February 23, 1998, the Board does not have jurisdiction over these claims. 20 C.F.R. § 501.3(d). The instant claim was adjudicated by the Office under claim number 10-352312.

² Appellant stopped work on October 9, 1997 and returned to work, without restrictions, on October 28, 1997.

identified by the claimant were the proximate cause of the condition for which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the factors identified by the claimant. The evidence required to establish causal relationship is rationalized medical opinion evidence, based upon a complete and accurate factual and medical background, showing a causal relationship between the claimed conditions and the identified factors. The belief of appellant that the condition was caused or aggravated by the identified factors is not sufficient to establish causal relation.³

In the present case, there is no dispute that appellant was a federal employee and that he timely filed a claim for compensation benefits. However, the medical evidence is insufficient to establish that he sustained an employment-related injury because it does not contain a rationalized medical opinion explaining how his October 9, 1997 mild heart attack was caused or aggravated by employment factors. In support of his claim appellant submitted⁴ an attending physician's report dated October 27, 1997 in which Dr. Berg stated:

“[Appellant] experienced an episode of chest pain, while on the job, on the date of October 9, 1997. It is felt that stress experienced within the workplace may have contributed (or may have been one of the contributing factors) to the onset of this particular incident. In my opinion, given the history, my examination, and discussions with [appellant], the experiences at work may have created additional mental stress which could have contributed to the onset of this particular incident. My concern in allowing [appellant] to return to work would be that he be restricted to only what is absolutely necessary to complete his duties and that any additional work load be limited to avoid a recurrence of the aforementioned episode.”

Dr. Berg, however, did not provide a clear, unequivocal opinion linking appellant's diagnosed condition to employment factors. He did not provide any notable description of appellant's work duties or provide medical rationale explaining how specific employment factors caused his condition. His report, without further medical justification, is thus insufficient to establish causal relationship.⁵ Appellant, therefore, did not provide the necessary rationalized medical opinion describing how employment factors caused his coronary condition and, thus, did not meet his burden of proof.

The decision of the Office of Workers' Compensation Programs dated February 10, 1998 is hereby affirmed.

Dated, Washington, D.C.

³ *Lourdes Harris*, 45 ECAB 545 (1994).

⁴ Appellant also submitted additional medical reports from Dr. Geoffrey H. Berg, a Board-certified internist, Dr. Kenneth S. Korr, and Dr. R. William Corwin, as well as numerous treatment and chart notes, which are not relevant to appellant's instant claim as they either pertain to appellant's condition prior to his October 9, 1997 incident, or do not discuss the causal relationship, if any, between appellant's October 9, 1997 cardiac episode and his employment duties.

⁵ *See Alberta S. Williamson*, 47 ECAB 569 (1996).

November 3, 1999

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member