

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of RUBY L. PRICHARD and DEPARTMENT OF VETERANS AFFAIRS,
POPLAR BLUFF VETERANS AFFAIRS, Poplar Bluff, MO

*Docket No. 97-1544; Submitted on the Record;
Issued September 9, 1999*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
BRADLEY T. KNOTT

The issue is whether appellant has established that she sustained an emotional condition with related cardiac and stomach problems in the performance of duty, causally related to compensable factors of her employment.

This is appellant's third appeal before the Board. In the first appeal, the Board found that appellant had failed to meet her burden of proof to establish her claim and affirmed decisions of the Office of Workers' Compensation Programs dated May 11 and January 27, 1992 and December 3 and August 12, 1991.¹ In the second appeal, the Board found that the case was not in posture for decision based upon the medical evidence of record and remanded the case for further development by the Office.² The facts and circumstances are clearly laid out in the prior Board decisions and are hereby incorporated by reference.

In the earlier Board decisions, the Board accepted that several employment factors implicated by appellant were indeed compensable under the Federal Employees' Compensation Act. These factors were overwork or increased work load, being "rushed" to produce work product and the lengthy hours appellant was required to work. Thereafter appellant additionally alleged difficult relations with her new supervisor as an employment factor implicated in causing her stress. Difficult relations with a supervisor may be compensable factors of employment when substantiated or corroborated by additional evidence.³ However, when such allegations

¹ Docket No. 92-1470 (issued May 7, 1993), *petition for recon. denied* (issued August 18, 1993).

² Docket No. 94-1433 (issued June 25, 1996).

³ See *Paul Trotman-Hall*, 45 ECAB 229 (1993); *Mildred D. Thomas*, 42 ECAB 888 (1991); *Samuel F. Mangin*, 42 ECAB 671 (1991).

have no corroborating support, as in this case, they cannot be accepted as a compensable factor of employment.⁴

Upon remand the Office referred appellant, together with a statement of accepted facts, questions to be addressed and the complete case file, to Dr. Stephen E. Peterson, a Board-certified psychiatrist, for further evaluation.⁵

By report dated February 11, 1997, Dr. Peterson reviewed appellant's record and personal and factual history, interviewed, examined and testing appellant and in a thorough, detailed and well-rationalized report, diagnosed: "Undifferentiated somatoform disorder, dysthymic disorder with atypical features, major depressive disorder, single episode, in partial remission. He further indicated that appellant had an underlying obsessive compulsive personality disorder and noted:

"[Appellant's] symptoms are not the result of workplace stress. They are the result of internal conflict. The [employing establishment] documents indicate [appellant's] work load was no greater than any other secretary [there]. The difficulties seem to have arisen from conflicts with her husband's psychiatric and joint illnesses, conflicts with the change in supervision, conflicts with the change in supervisory style and perhaps competition with a younger woman."

Dr. Peterson opined that appellant's difficult relationship with her supervisor could be a result of her underlying personality disorder.⁶ He explained:

"[People] with obsessive tendencies tended to engage in personality conflicts and are often diagnosed with adjustment disorders, dysthymia or major depression as a result of interpersonal conflicts. However, the internally generated obsessiveness with need for control is the primary cause of the difficulties. If supervisors attempt to change the behavior without relieving the cause of obsessiveness, then insolvable conflicts are likely to arise. Appellant's depiction of Ms. Exum as incompetent, potentially morally corrupt and personally demeaning are descriptions frequently seen in this type of scenario."

Dr. Peterson concluded:

"[Appellant's] claim of cardiac irregularities, nervous stomach and depression resulting solely from her federal employment is not supported by the medical information. The cardiac irregularities were evidence as early as October 1986, well before her interaction with Ms. Exum. Second, the cardiac irregularities generally in the form of premature ventricular contractions are not physically

⁴ Ms. Exum stopped appellant from providing coupon books to her husband because he was not considered an indigent veteran, which may have caused some resentment.

⁵ The Office had previously referred appellant to Dr. John B. Crane, a Board-certified psychiatrist, who was unable to provide the Office with a usable report, even after clarification was requested.

⁶ *Id.*

disabling, especially when treated adequately. However, when [appellant] feels flutters she becomes anxious and feels debilitated when she actually is not in any clinical danger. [Appellant's] nervous stomach and depression likely arose from preexisting conditions. These included her obsessive-compulsive personality style, internal conflict regarding her husband's disability, possible internal conflicts from favoring her husband over indigent veterans, as a defensive compromise made necessary by her poor work efficiency and the need to preserve her self-esteem as a way out of a position that was too difficult for her."

By decision dated March 6, 1997, the Office denied the claim.

The Board finds that appellant has failed to establish that she sustained an emotional condition with related cardiac and stomach problems in the performance of duty, causally related to compensable factors of her employment.

To establish appellant's claim that she has sustained an emotional condition in the performance of duty, appellant must submit the following: (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 or psychiatric disorder; and (3) rationalized medical opinion evidence establishing that the identified compensable employment factors are causally related to her emotional condition.⁷ Rationalized medical opinion evidence is medical evidence which 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. Such an opinion of the physician 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.⁸

In this case, appellant has implicated several factors of employment, but the weight of the medical opinion evidence does not support that these factors caused her emotional conditions or subsequent disability.

The medical evidence of record which supports appellant's allegations consists of the reports of Dr. Jayne Niskey, a clinical psychologist and Dr. Matthew J. Riffle, a Board-certified internist, neither of whom are Board-certified in psychiatry. Further neither Dr. Niskey nor Dr. Riffle provided any rationalized medical opinion explaining the causal relation of appellant's condition to the compensable factors of her employment. Dr. Niskey simply stated that appellant had been under much stress by her working conditions which necessitated her feeling rushed, being asked to complete an impossible work load, inexperienced supervision and a feeling of being overloaded and overwhelmed. No further explanation was given regarding how the work load or being rushed caused her diagnosed emotional and physical conditions. Therefore, this

⁷ See *Donna Faye Cardwell*, 41 ECAB 730 (1990).

⁸ See *Martha L. Watson*, 46 ECAB 407 (1995); *Donna Faye Cardwell*, *supra* note 7.

report is not well rationalized and is of diminished probative value, such that it is insufficient to establish appellant's claim.

Dr. Riffle merely reported appellant's presenting symptomatology and the causes to which she attributed it. He also did not provide medical rationale explaining the causal relationship between the accepted compensable factors of employment and appellant's conditions but instead noted: "At the time of treatment [appellant] was not experiencing other causation for her stressful symptoms other than these work-related incidents." This was not an accurate statement supported by fact in the record as appellant had several other stress-inducing life circumstances at that time, including her husband's disability. Therefore, Dr. Riffle's statement is not based upon a complete and accurate factual and medical history and combined with being unrationalized, is not sufficient to establish appellant's claim.

Dr. Peterson, however, was a Board-certified psychiatrist and based his report on a complete and accurate statement of fact and case factual and medical history; it included a detailed evaluation with testing results and it contained a well-rationalized conclusion, determining that appellant's emotional and related physical problems were not due to compensable factors of her federal employment. As the other medical evidence of record is unrationalized and insufficient to establish appellant's claim and as Dr. Peterson's report is detailed and thorough, it does constitute the weight of the medical opinion evidence and establishes that appellant's conditions are not the result of her federal employment.

Consequently, the decision of the Office of Workers' Compensation Programs dated March 6, 1997 is hereby affirmed.

Dated, Washington, D.C.
September 9, 1999

Michael J. Walsh
Chairman

David S. Gerson
Member

Bradley T. Knott
Alternate Member