

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of CASSANDRA YOUNG and U.S. POSTAL SERVICE,  
POST OFFICE, Coppel, TX

*Docket No. 98-178; Submitted on the Record;  
Issued September 20, 1999*

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DECISION and ORDER

Before MICHAEL J. WALSH, MICHAEL E. GROOM,  
A. PETER KANJORSKI

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

The Board has duly reviewed the case record and finds that appellant did not sustain an injury in the performance of duty.

To establish that an injury was sustained in the performance of duty, an appellant must submit the following: (1) medical evidence establishing the presence or existence of the condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the condition; and (3) medical evidence establishing that the employment factors 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 employment factors identified by claimant. The medical evidence required to establish causal relationship, generally, is rationalized medical evidence. 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 appellant'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 appellant.<sup>1</sup>

The Office of Workers' Compensation Programs accepted appellant's claim for post-traumatic stress syndrome, anxiety and depression resulting from appellant's being sexually assaulted by an unknown assailant on April 22, 1988 and assigned the claim No. 16-942071. Appellant returned to limited duty four hours a day beginning on April 17, 1995 and except for

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<sup>1</sup> See *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

an attempt to increase her hours, worked four hours a day until October 10, 1995 when she stopped working. Appellant filed a recurrence of disability, which was denied by decision dated January 18, 1996. Her subsequent requests for reconsideration were denied on June 14, 1996 and February 5 and June 25, 1997. The Office advised appellant to file an occupational disease claim, Form CA-2, because her attending physician “reported a possible new incident as a result of new factors.” Appellant has not worked since October 10, 1995.

On October 9, 1996 appellant filed an occupational disease claim, Form CA-2, alleging that she sustained post-traumatic stress syndrome due to her federal employment. To support her claim, appellant submitted a medical report from Dr. Louis E. Deere, her treating physician and an osteopath, dated October 24, 1996. In his report, Dr. Deere diagnosed post-traumatic stress disorder, panic attacks, generalized anxiety and major depression with psychotic features. He stated appellant’s post-traumatic stress disorder had been triggered and heightened by her constant contact with men while performing her duty of answering incoming phone calls and her general contact with men at work. Dr. Deere stated that appellant began to reexperience the “original traumatic event” of April 22, 1988, which triggered persistent symptoms of increased fear and helplessness.

Appellant submitted a description of her job duties as a letter carrier, which was her job at the time of the April 22, 1988 employment injury. The description of appellant’s light-duty work was that of a city carrier, with physical restrictions but also restrictions on avoiding interpersonal relations with men and working in an all female environment, close to home, during daylight hours. By letter dated April 9, 1997, the Office requested that appellant submit additional evidence to establish her claim including a description of the employment-related conditions or incidents which she believed contributed to her illness. Appellant submitted some medical reports and her employment health record but the only recent medical report was from Dr. Deere dated October 10, 1995. In that report, Dr. Deere stated that after a lengthy absence from work, appellant returned to work on April 17, 1995 and continued to receive treatment for her illness. He stated that appellant came into his office after experiencing a highly stressful situation at work and this experience triggered panic and anxiety attacks so that she left work. Dr. Deere stated that appellant should not work for two weeks.

By decision dated August 12, 1997, the Office denied the claim, stating that the evidence failed to establish that appellant sustained an injury in the performance of duty.

By letter dated August 24, 1997, appellant requested reconsideration of the Office’s decision. Appellant submitted a statement in which she reiterated that she was sexually assaulted by an unknown male on April 22, 1988 and that the Office accepted her claim for post-traumatic stress disorder, anxiety and depression due to the April 22, 1988 employment injury. Appellant stated that the employment factor that caused the presence or occurrence of her condition of post-traumatic stress disorder, anxiety and depression was the April 22, 1988 employment injury.

By decision dated September 4, 1997, the Office denied appellant’s request for reconsideration.

In the present case, appellant's failure to submit a narrative statement identifying the employment factors to which she attributes her condition prevented the Office from making findings of fact regarding whether appellant established that employment factors within the coverage of the Federal Employees' Compensation Act caused her emotional condition.<sup>2</sup> Appellant's job description of her light-duty work stated that she was to work in an all female environment and to avoid interpersonal relations with men. In his April 17, 1995 report, Dr. Deere stated that appellant had a "highly stressful situation" at work but did not specify what the stressful situation was. In his October 24, 1996 report, Dr. Deere stated that appellant's condition of post-traumatic stress disorder had been triggered and heightened by her "constant contact" with men while performing her duty of answering incoming phone calls and her general contact with men at work. Absent some corroboration from appellant as to what the nature of her work was and how it affected her condition, there is insufficient evidence for the Office to determine whether appellant established factors of employment, which allegedly caused her condition of post-traumatic stress disorder, anxiety and depression.<sup>3</sup> Although the Office requested the necessary information from appellant to establish her claim, appellant was not responsive to the request. Appellant has, therefore, failed to meet her burden of proof to establish that she sustained an emotional condition in the performance of duty.

The decisions of the Office of Workers' Compensation Programs dated September 4 and August 12, 1997 are hereby affirmed.

Dated, Washington, D.C.  
September 20, 1999

Michael J. Walsh  
Chairman

Michael E. Groom  
Alternate Member

A. Peter Kanjorski  
Alternate Member

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<sup>2</sup> See *George Tseiko*, 40 ECAB 948, 953 (1989).

<sup>3</sup> See *George A. Ross*, 43 ECAB 346, 353 n. 14 (1991); *Jack Hopkins*, 41 ECAB 818, 828 n. 14 (1991).