

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of PAULINE BROWN, claiming as the widow of GEORGE D. BROWN and
VETERANS ADMINISTRATION, DANVILLE VETERANS HOSPITAL, Danville, IL

*Docket No. 98-478; Submitted on the Record;
Issued September 24, 1999*

DECISION and ORDER

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

The issue is whether appellant has established that her husband's death was caused by his federal employment.

The decedent, a nursing assistant, was injured on April 16, 1969 when he was struck by a patient with a pool stick. The Office of Workers' Compensation Programs accepted the claim for contusions of the left forearm and left temporal parietal area, vertigo and permanent aggravation of organic brain syndrome. He stopped work on March 22, 1970 and did not return.

On July 20, 1995 appellant filed a claim for survivor's benefits, following the death of her 69-year-old husband on January 2, 1995. The death certificate listed Dr. Everett L. Conrad, a general physician, as the attending physician, and the cause of death as: acute shock syndrome, ruptured aortic aneurysm and hypertensive cardiovascular disease.

In support of her claim, appellant submitted an April 4, 1995 medical report from Dr. Jason Y. Park, a Board-certified psychiatrist and appellant's treating psychiatrist. In his report, Dr. Park stated that the decedent's organic brain syndrome had become worse as demonstrated by an increase in his forgetfulness and confusion. In addition, the decedent became irritable, angry, hostile and his judgment became markedly worse. Dr. Park stated that due to his impaired brain dysfunction, the decedent's judgment was significantly hindered and he refused to get the proper medical care and eventually died due to a sudden aneurysm rupture. He opined that the decedent's organic brain syndrome contributed to his death.

Appellant also submitted a personal statement describing the events leading to her husband's death.

By letter dated July 26, 1995, the Office requested that appellant submit a medical report from her husband's attending physician that addresses the actual physical causes of his death and whether his work-related condition(s) caused his death. The Office informed appellant that

Dr. Park's report was not sufficient to determine the causal relationship between her husband's work injury and his death. No new medical evidence was submitted.

By decision dated May 9, 1996, the Office denied the claim on the grounds that no evidence had been submitted to establish that the employee's death was caused by work factors.

By decision dated October 8, 1997, an Office hearing representative affirmed the earlier decision.

The Board finds that appellant failed to establish that her husband's death was causally related to his federal employment.

The Federal Employees' Compensation Act provides that the United States shall pay compensation for the disability or death of an employee resulting from personal injury sustained while in the performance of duty.¹ However, an award of compensation in a survivor's claim may not be based on surmise, conjecture, or speculation, or on appellant's belief that the employee's death was caused, precipitated or aggravated by his employment.²

Appellant has the burden of establishing by the weight of the reliable, probative and substantial evidence that the employee's death was causally related to factors of his employment.³ This burden includes the necessity of furnishing a rationalized medical opinion based on an accurate factual and medical background and supported by medical rationale explaining the nature of the cause and effect relationship between the employee's death and specific employment factors.⁴

In this case, there is insufficient medical evidence showing that work factors caused the employee's death. Dr. Park offered a cursory opinion that the decedent's impaired judgment lead him to refuse proper medical care, stating that he died from a sudden aneurysm rupture. His opinion, however, is of diminished probative value as it is not well rationalized on the issue of causal relationship. Dr. Park does not explain with rationale how the accepted injury in 1969 caused or contributed to the employee's death from a ruptured aortic aneurysm in 1995. Appellant's belief that her husband's work injury eventually led to his death is insufficient, absent medical rationale, to establish the requisite causal relationship.

¹ 5 U.S.C. § 8102(a).

² *Juanita Terry (Rex Terry)*, 31 ECAB 433, 434 (1980).

³ *Judith L. Albert (Charles P. Albert)*, 47 ECAB 810 (1996).

⁴ *Kathy Marshall (Dennis Marshall)*, 45 ECAB 827, 832 (1994).

The October 8, 1997 decision of the Office of Workers' Compensation Programs are affirmed.

Dated, Washington, D.C.
September 24, 1999

Michael J. Walsh
Chairman

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member