

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of BARBARA SZYMCZYK and DEPARTMENT OF VETERANS AFFAIRS,
MEDICAL CENTER WEST, Los Angeles, CA

*Docket No. 99-938; Submitted on the Record;
Issued July 14, 2000*

DECISION and ORDER

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

The issue is whether appellant has met her burden of proof in establishing that she developed an emotional condition due to factors of her federal employment.

The Board has duly reviewed the case on appeal and finds that appellant has failed to meet her burden of proof in establishing that she developed an emotional condition due to factors of her federal employment.

Appellant, a program analyst, filed a notice of occupational disease on November 30, 1995 alleging that she developed an emotional condition due to factors of her federal employment. The Office of Workers' Compensation Programs denied appellant's claim by decision dated April 9, 1996 finding that she failed to establish a compensable factor of employment. She requested an oral hearing and by decision dated September 4, 1998 and finalized September 8, 1998, the hearing representative found that appellant had established discrimination on the part of her supervisors and error and abuse in her performance appraisals. The hearing representative remanded the claim for additional development of the medical evidence by the Office. The Office undertook further development and by decision dated November 13, 1998, the Office denied appellant's claim finding that there was insufficient medical evidence to establish a causal relationship between her diagnosed condition and her accepted factors of employment.

To establish appellant's occupational disease claim that she has sustained an emotional condition in the performance of duty appellant must submit the following: (1) medical evidence establishing that she has an emotional or psychiatric disorder; (2) factual evidence identifying employment factors or incidents alleged to have caused or contributed to her condition; and (3) rationalized medical opinion evidence establishing that the identified compensable employment factors are causally related to her emotional condition.¹ The Office has accepted

¹ *Donna Faye Cardwell*, 41 ECAB 730, 741-42 (1990).

that appellant has established that she has an emotional condition and that she established compensable factors of employment. However, the Office found that appellant has not submitted sufficient rationalized medical opinion evidence to establish a causal relationship between her diagnosed condition and her federal employment.

In this case, appellant attributed her emotional condition to actions by her supervisors. The Office accepted that appellant received inappropriately negative performance appraisals and excessively negative recommendations based on the Equal Employment Opportunity Commission's findings of discrimination on national origin.

In support of her claim, appellant submitted a medical report dated February 29, 1996 from Dr. Ronald C. Hamm, a general practitioner. He did not review any of the accepted factors of employment, but stated that appellant's anxiety and depression were related to circumstances surrounding her employment. This report is not sufficient to meet appellant's burden of proof as Dr. Hamm did not address the accepted employment factors and did not explain how these factors resulted in appellant's diagnosed condition.

Appellant also submitted a report dated March 11, 1996 from Dr. J. Victor Monke, a Board-certified psychiatrist. He noted that appellant "clashed" with her supervisor and that her evaluations were very critical. Dr. Monke stated that appellant was refused the opportunity to transfer. He diagnosed post-traumatic stress disorder with depression. Dr. Monke stated that appellant's state was work related and recommended treatment.

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. 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 claimant.²

In this case, appellant has not submitted the necessary rationalized medical opinion evidence. As noted previously, Dr. Hamm did not mention the specific employment factors implicated. Dr. Monke noted that appellant had received critical evaluations, one of the accepted employment factors, but he failed to provide any reasoning explaining how this factor caused or contributed to appellant's diagnosed condition.

The Office provided Dr. Monke with a statement of accepted facts and requested a detailed narrative report on September 29, 1998. However, neither appellant nor Dr. Monke responded.

As appellant has failed to submit the necessary medical evidence to establish a causal relationship between her diagnosed emotional condition and her accepted employment factors, the Office properly denied her claim.

² *Id.*

The November 13, 1998 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, D.C.
July 14, 2000

Michael J. Walsh
Chairman

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member