

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of CATHY J. BUSSBERG and U.S. POSTAL SERVICE,
MAIN POST OFFICE, Conti, OH

*Docket No. 99-411; Submitted on the Record;
Issued June 2, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, GEORGE E. RIVERS,
BRADLEY T. KNOTT

The issue is whether appellant has met her burden of proof to establish that her abnormal uterine bleeding, which lead to a hysterectomy, was caused by factors of her federal employment.

The Board has duly reviewed the case record in this appeal and finds that appellant has failed to meet her burden of proof to establish that her abnormal uterine bleeding, which lead to a hysterectomy, was caused by factors of her federal employment.

On July 24, 1998 appellant, then a 43-year-old flat sorting machine operator, filed a claim for an occupational disease (Form CA-2) alleging that she first realized that her uncontrollable bleeding was caused by her employment on May 30, 1998. She stated that her condition was caused by stress at work. Appellant stopped work on July 27, 1998.¹

In a telephone conversation on August 24, 1998 and by letter of the same date, the Office of Workers' Compensation Programs advised appellant to submit medical evidence supportive of her claim. In this letter, the Office advised the employing establishment to provide factual and medical evidence. In response, appellant and the employing establishment submitted medical and factual evidence.

By letter dated September 21, 1998, the Office advised appellant that the medical evidence submitted was insufficient to establish her claim. The Office again advised appellant to submit medical evidence supportive of her claim. In an undated response letter, appellant advised the Office that she was unable to submit the requested medical evidence and explained why she believed her abnormal uterine bleeding was employment related.

¹ Appellant had a supracervical hysterectomy performed by Dr. Hari N. Budev, a Board-certified obstetrician and gynecologist, on July 27, 1998. On August 4, 1998 Dr. Budev removed appellant's staples. Appellant returned to her regular work duties on September 10, 1998.

By decision dated October 6, 1998, the Office found that the duties of appellant's position as a flat sorting machine clerk, which included operating a single or multi-position electromechanical operator paced flat sorting machine in the distribution of flats and rotation as a loader or sweeper, occurred in the performance of duty. The Office also found that the physical requirements of appellant's position involved frequent heavy lifting up to 70 pounds, heavy carrying up to 45 pounds, reaching above the shoulders, use of fingers, walking/standing up to 4 hours each 8-hour shift and sitting up to 4 hours each 8-hour shift, occurred in the performance of duty. The Office, however, found the medical evidence of record insufficient to establish that appellant sustained a medical condition caused by the employment factors.

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 employment factors alleged to have caused or contributed to the presence or occurrence of the disease or 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 the claimant. The medical evidence required to establish a causal relationship is rationalized medical opinion 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 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 the present case, the Office accepted factors of appellant's employment. Appellant, however, has failed to submit rationalized medical evidence establishing that her abnormal uterine bleeding was causally related to the accepted factors of her employment. The only medical evidence of record that addressed a causal relationship between appellant's condition and factors of her employment is the September 8, 1998 medical report of Dr. Hari N. Budev, a Board-certified obstetrician and gynecologist. In this medical report, Dr. Budev noted that appellant had filed a workers' compensation claim for the loss of work related to her recent illness caused by abnormal uterine bleeding with heavy loss of blood, which caused anemia. He further noted appellant's unsuccessful hormone treatment and subsequent surgery. Dr. Budev stated:

“[Appellant] claims that her dysfunctional uterine bleeding was partly caused by overwork, long hours of work, and stress related to work. While it is believed that menstrual irregularity is susceptible to various stresses and emotions, it is impossible to prove in a given case as to how much these factors may have contributed toward her problem initially and the lack of response with hormones.”

² *Victor J. Woodhams*, 41 ECAB 345, 351-52 (1989).

Although it is not necessary to reduce the cause of a condition to an absolute medical certainty, there must be a medical opinion that is neither speculative or equivocal.³ Dr. Budev's report merely indicated appellant's rationale explaining the cause of her abnormal uterine bleeding. He speculated that menstrual irregularity is susceptible to various stresses and emotions, but he did not provide a reasoned medical opinion, based on a complete understanding of the implicated work factors, that establishes causal relationship between appellant's condition and the accepted factors of her employment.

Inasmuch as appellant has failed to submit any rationalized medical evidence establishing that her abnormal uterine bleeding was caused by the accepted factors of her employment, the Board finds that appellant has failed to satisfy her burden of proof.

The October 6, 1998 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, D.C.
June 2, 2000

Michael J. Walsh
Chairman

George E. Rivers
Member

Bradley T. Knott
Alternate Member

³ *Roger Dingess*, 47 ECAB 123 (1995).