

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of RAYMOND P. WELCH and DEPARTMENT OF JUSTICE,
FEDERAL BUREAU OF INVESTIGATION, Washington, DC

*Docket No. 00-1930; Submitted on the Record;
Issued April 18, 2001*

DECISION and ORDER

Before DAVID S. GERSON, BRADLEY T. KNOTT,
PRISCILLA ANNE SCHWAB

The issue is whether appellant established that his acute angle-closure glaucoma was causally related to or aggravated by the accepted employment incident.

On March 2, 1999 appellant, then a 53-year-old chief, domestic terrorism operations unit, filed a traumatic injury claim alleging that his acute angle-closure glaucoma was due to jogging up the stairs at the employing establishment on February 22, 1999.

On August 9, 1999 the Office of Workers' Compensation Programs denied the claim on the grounds that the medical evidence was insufficient to establish a causal relationship between appellant's eye condition and the work incident of jogging up two flights of stairs.

Appellant requested reconsideration in a letter dated August 15, 1999 and submitted an August 3, 1999 report by Dr. Alyson L. Hall, an attending opinion Board-certified ophthalmologist. Dr. Hall diagnosed subacute angle closure in the right and opined that it was "probable that jogging up several flights of stairs his body increased sympathetic activity which dilated his pupils and increased his intraocular pressure" and that "quickly climbing stairs may certainly have precipitated the acute attack of angle closure that he developed."

On December 10, 1999 the Office referred appellant for a second opinion evaluation.¹ In a report dated February 10, 2000, Dr. Wolf, diagnosed central retinal vein occlusion right eye with subsequent retinal neovascularization and chronic angle closure glaucoma. Dr. Wolf opined that appellant "had chronic angle-closure glaucoma which was leading to an impending central retinal vein occlusion" and that "[j]ogging up the steps may have been the 'last straw' in raising eye pressure and precipitating occlusion of the central retinal vein."

¹ The Board notes that the letter was addressed to Paul Berson Wolf. A review of the record indicates that Dr. Paul Berson and Dr. Alan F. Wolf, a second opinion Board-certified ophthalmologist, are both in the same professional association. Furthermore, an e-mail dated December 16, 1999 indicates that the Office's referral was to Dr. Wolf.

By decision dated February 11, 2000, the Office found the evidence submitted sufficient to warrant further development, but denied appellant's request for reconsideration on the basis that the medical evidence was insufficient to establish a causal relationship between appellant's claimed condition and the accepted February 22, 1999 employment incident.

The Board has reviewed the record and finds that the record requires additional development of the evidence.

In order to determine whether an employee actually sustained an injury in the performance of duty, the Office begins with an analysis of whether "fact of injury" has been established. Generally "fact of injury" consists of two components which must be considered in conjunction with one another. The first component to be established is that the employee actually experienced the employment incident which is alleged to have occurred. In this case, the Office accepted that appellant actually experienced the claimed event. The Board finds that the evidence of record supports this incident.

The second component is whether the employment incident caused a personal injury and generally can be established only by medical evidence. To establish a causal relationship between the condition, as well as any attendant disability claimed and the employment event or incident, the employee must submit rationalized medical opinion evidence based on a complete factual and medical background, supporting such a causal relationship.²

In this case, appellant's attending Board-certified ophthalmologist, Dr. Hall, concluded that quickly climbing stairs may certainly have precipitated the acute attack of angle closure that appellant developed. On referral, the question posed to Dr. Wolf was whether appellant's acute angle-closure glaucoma was causally related or aggravated by the accepted employment incident.

While Dr. Wolf opined that jogging up the steps may have been the "last straw" in precipitating occlusion of the central retinal vein, he did not provide a reasoned opinion as to whether appellant's chronic angle-closure glaucoma was caused or aggravated by that jogging.

Since the Office referred appellant to Dr. Wolf, it has the obligation to secure a report that resolves the issue in the case.³ On remand, the Office should secure a medical report containing a reasoned medical opinion on the relevant issue of causal relationship. After such further development as the Office deems necessary, it should issue an appropriate decision.

² *Gloria J. McPherson*, 51 ECAB ____ (Docket No. 98-805, issued April 3, 2000); see *John J. Carlone*, 41 ECAB 354, 357 (1989).

³ See *Mae Z. Hackett*, 34 ECAB 1421 (1983); *Richard W. Kinder*, 32 ECAB 863 (1981).

The decision of the Office of Workers' Compensation Programs dated February 11, 2000 and August 9, 1999 are hereby set aside and the case is remanded for further development consistent with this opinion.

Dated, Washington, DC
April 18, 2001

David S. Gerson
Member

Bradley T. Knott
Alternate Member

Priscilla Anne Schwab
Alternate Member