

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of JERRY D. LOADER and U.S. POSTAL SERVICE,  
POST OFFICE, Denver, CO

*Docket No. 01-565; Submitted on the Record;  
Issued December 28, 2001*

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DECISION and ORDER

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

The issue is whether appellant has established that his coronary artery disease was caused or aggravated by his federal employment.

On October 6, 1999 appellant, then a 54 year-old city mail carrier, filed an occupational disease claim (Form CA-2), alleging that on November 1, 1993 he first realized his coronary artery disease with angina pectoris was due to his casing and carrying mail. In an undated statement received by the Office of Workers' Compensation Programs on October 25, 1999, appellant indicated six occasions on which the mental and physical stress of his job aggravated his heart condition. He indicated that in 1993 he noticed problems after casing mail and walking on the steepest part of his route. In 1998 he became upset when he learned that his job was abolished and that, due to his lack of seniority, he was given one of the worse routes. Appellant noted that he had previously filed a claim for aggravation of his heart condition while working on his new assignment and while casing mail. He also noted that he developed chest pain when he fell behind schedule on an unfamiliar route and while going up a hill.

In a July 14, 1999 report, Dr. John C. Breckinridge, an attending physician Board-certified in internal medicine, opined that physical or emotional stress would cause symptoms and requested that appellant be assigned "to a job that limits physical and emotional stress. In other words, he should be allowed to do any work he feels well doing, but should not be required to do work that causes symptoms."

In a July 29, 1999 report, Dr. Amelia C. Ashmann, an attending physician, stated that while appellant's employment did not cause his heart condition "the activity of casing and caring [sic] mail under time constraints has/can caused the symptoms of pain and shortness of breath while doing these activities."

In a clinical summary dated August 17, 1999, Dr. Ashmann noted that appellant started having angina pectoris while delivering mail in the winter months of 1993. During his hospital stay, tests revealed a 90 percent right artery occlusion for which he was treated. Dr. Ashmann

indicated that appellant's symptoms of chest pain and shortness of breath reoccur when he is under emotional stress or in a hurry.

In a September 8, 1999 note, Dr. Breckinridge opined that casing and carrying mail in a limited amount of time aggravated appellant's symptoms, as did extreme weather.

In a September 10, 1999 letter, Dr. Ashmann attributed appellant's angina pectoris to his exposure to temperature extremes secondary to vasospasm. She also opined that appellant "develops chest pains when he does excessive casing, also, again secondary to coronary vasospasm."

The employing establishment controverted appellant's claim in a letter dated October 21, 1999, by noting that appellant received assistance to case mail and that he in fact did very little casing mail, which he disliked. The employing establishment also noted that he had previously filed a similar claim regarding his heart condition, which the Office denied.

In letters dated December 15 and 23, 1999, the employing establishment stated that appellant had been given light-duty work pursuant to his physician's request and reiterated that he performed very little, if any, casing of mail.

By decision dated January 19, 2000, the Office rejected appellant's claim finding that the evidence failed to establish that an injury was sustained as alleged.

In a letter dated February 11, 2000, appellant's counsel requested an oral hearing, which was held on June 27, 2000.

Appellant submitted an undated letter from Mr. Arthur O. Garcia, who stated that appellant was concerned about being unable to comply with the time constraints of his route in November 1994 and received an adjustment of one hour after a special inspection.

By decision dated October 5, 2000, an Office hearing representative affirmed the January 19, 2000 decision. The hearing representative found that appellant failed to submit medical evidence sufficient to establish that his coronary artery condition was caused or aggravated by factors of his federal employment as well as finding that he failed to establish any compensable factors.

The Board finds that appellant failed to meet his burden of proof to establish that his coronary artery disease was caused or aggravated in the performance of duty.

An employee seeking benefits under the Federal Employees' Compensation Act<sup>1</sup> has the burden of establishing that the essential elements of his or her claim including the fact that the individual is an "employee of the United States" within the meaning of the Act, that the claim was timely filed within the applicable time limitation period of the Act, that an injury was sustained in the performance of duty as alleged and that any disability and/or specific condition

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

for which compensation is claimed are causally related to the employment injury.<sup>2</sup> These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.<sup>3</sup>

Appellant has the burden of establishing by the weight of the reliable, probative and substantial evidence that his condition was caused by his employment. As part of this burden he must present rationalized medical opinion evidence, based on a complete factual and medical background, showing causal relation.<sup>4</sup>

In the present case, appellant has submitted insufficient medical evidence to establish that his coronary artery disease was caused or aggravated by factors of his federal employment. In this regard, the Board has held that the mere fact that a condition manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two.<sup>5</sup> Neither the fact that the condition became apparent during a period of employment nor the belief that the condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.<sup>6</sup> Causal relationship must be substantiated by reasoned medical opinion evidence, which is appellant's responsibility to submit. In the instant case, none of the medical reports pertaining to the claimed condition contain any rationalized medical opinion, which relates the cause of this claimed condition to factors of his employment.

The Board finds that the medical evidence fails to establish the required causal nexus between appellant's cardiac condition and work factors. While appellant believed that his work environment contributed to his heart problems and the reports of Drs. Ashmann and Breckinridge report reiterated appellant's belief, the record contains insufficient medical opinion explaining how specific work factors aggravated appellant's condition.<sup>7</sup> Neither Drs. Ashmann nor Breckinridge provided medical rationale explaining how appellant's employment duties aggravated his heart condition. The reports contain very brief discussions of appellant's coronary history or describe the impact of his diagnosed diabetes on the development of his coronary condition. The physicians provide no discussion of the casing or lifting activities in which appellant was engaged or described the pathophysiologic process by which such exertion would cause or contribute to his coronary symptoms.

As there is no probative, rationalized medical evidence addressing and explaining why appellant's preexisting coronary artery disease was aggravated by factors of his employment causing disability for work, appellant has not met his burden of proof in establishing that he sustained aggravation of his coronary artery disease in the performance of duty. The Board,

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<sup>2</sup> *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

<sup>3</sup> *Victor J. Woodhams*, 41 ECAB 345 (1989).

<sup>4</sup> *Arlonia B. Taylor*, 44 ECAB 591, 595 (1993).

<sup>5</sup> *See Joe T. Williams*, 44 ECAB 518, 521 (1993).

<sup>6</sup> *Id.*

<sup>7</sup> *12 See Jean Culliton*, 47 ECAB 728 (1996) (finding that a physician's opinion on causal relationship is not dispositive simply because it is rendered by a physician).

therefore, affirms the Office's finding that appellant did not sustain a compensable physical condition or disability.

The decisions of the Office of Workers' Compensation Programs dated October 5 and January 19, 2000 are hereby affirmed.

Dated, Washington, DC  
December 28, 2001

Michael J. Walsh  
Chairman

Michael E. Groom  
Alternate Member

A. Peter Kanjorski  
Alternate Member