

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

---

In the Matter of SHIRLEY D. TYLER and DEPARTMENT OF VETERANS AFFAIRS,  
JEFFERSON BARRACKS, St. Louis, MO

*Docket No. 01-1055; Submitted on the Record;  
Issued December 5, 2001*

---

DECISION and ORDER

Before DAVID S. GERSON, BRADLEY T. KNOTT,  
A. PETER KANJORSKI

The issue is whether appellant has established that she sustained an emotional condition in the performance of duty.

On October 31, 2000 appellant, then a 48-year-old motor vehicle operator, filed an occupational disease claim (Form CA-2) alleging that her anxiety attacks were due to her employment.

In a report dated September 1, 2000, Dr. Korgi V. Hegde, an attending Board-certified internist, described shortness of breath of unknown etiology. Dr. Hegde further indicated that it was uncertain whether her shortness of breath was psychogenic or due to asthma or an interstitial lung disease.

By letter dated November 15, 2000, the Office of Workers' Compensation Programs informed appellant that the information received was insufficient to support her claim. The Office advised appellant regarding the type of medical and factual evidence required to support her claim.

Appellant submitted a statement dated December 8, 2000 detailing the employment duties which she believes caused her stress. She also noted that she quit smoking on July 13, 2000.

By decision dated December 18, 2000, the Office denied appellant's claim on the grounds that fact of injury was not established. The Office accepted that appellant experienced the claimed employment factor, but not that a medical condition resulted from those exposures. The Office noted that appellant failed to submit a detailed medical record from her physician supporting a diagnosis of a medical condition and relating that condition to the accepted employment factor.

The Board finds that appellant has not met her burden of proof in establishing that she developed an emotional condition due to factors of her federal 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.<sup>1</sup> 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.<sup>2</sup>

The medical evidence of record fails to show that appellant's condition is causally related to her federal employment. The September 1, 2000 report by Dr. Hegde included a description of shortness of breath, but did not address the causal relationship issue. In fact, Dr. Hegde specifically stated that appellant's shortness of breath was of unknown etiology. As appellant has not submitted the necessary medical evidence to establish that she has an emotional condition, she has failed to meet his burden of proof to establish fact of injury.<sup>3</sup>

The December 18, 2000 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC  
December 5, 2001

David S. Gerson  
Member

Bradley T. Knott  
Alternate Member

A. Peter Kanjorski  
Alternate Member

---

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

<sup>2</sup> *Id.*

<sup>3</sup> The Board notes that following the Office's December 18, 2000 decision appellant submitted additional new evidence to the Office and to the Board. As the Office did not consider this evidence in reaching a final decision, the Board may not review it for the first time on appeal. 20 C.F.R. § 501.2(c).