

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of SU-LAN POPOW (claiming as widow of JON S. POPOW) and
DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION
ADMINISTRATION, Jamaica, NY

*Docket No. 00-581; Submitted on the Record;
Issued January 18, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, MICHAEL E. GROOM,
BRADLEY T. KNOTT

The issue is whether the employee's death on March 25, 1998 was causally related to factors of his federal employment.

On April 7, 1998 appellant filed a claim for survivor benefits following the death of her husband, a 50-year-old air traffic controller, on March 25, 1998.

The death certificate, dated March 26, 1998, indicated the death of appellant's husband was caused by hypertensive cardiovascular disease. Dr. Kumar S. Mandal, a specialist in family practice, indicated on the claim form that he had been treating the decedent for hypertension and hyperlipidemia, and stated that his death had been caused by these two conditions in addition to cardio-respiratory failure.

By letter dated April 27, 1998, the Office of Workers' Compensation Programs advised appellant that it required additional medical evidence to establish that her husband's death was causally related to factors of his federal employment. The Office requested that appellant submit a medical report providing a history of the disease which caused or resulted in the employee's death, a diagnosis of the disease and an opinion bearing on the relationship of disease and death to factors of his employment, including medical reasons for the opinion. Appellant did not submit any additional medical evidence.

By decision dated October 8, 1998, the Office denied appellant's claim as the evidence failed to establish that the employee's death was due to factors of his federal employment.

By letter dated September 14, 1999, appellant's daughter requested reconsideration. In support of her claim, appellant submitted a report from Dr. Hirendra P. Sinha, a specialist in family practice, who indicated he had treated the decedent on February 21 and 29, 1996, for episodes of anxiety and agitation at work, which had occurred on February 15 and 21, 1996. He noted that the decedent had abnormally high blood pressure during both of these examinations,

and stated that, when he reexamined the decedent on March 3, 1996, his blood pressure had substantially decreased. Dr. Sinha released appellant to return to work on March 3, 1996, and recommended that appellant obtain psychiatric treatment for his condition. He concluded that appellant was experiencing extreme anxiety and agitation secondary to stress at work, resulting in recurrent hypertension. Appellant also submitted a September 3, 1999 treatment note from Dr. Mandal, who stated that he had been treating the decedent since March 8, 1997 for anxiety and hypertension.

By decision dated September 21, 1999, the Office found that the medical evidence appellant submitted was not sufficient to warrant modification of the prior decision.

The Board finds that appellant has failed to meet her burden of proof in establishing that the employee's death was due to factors of his federal employment.

An appellant has the burden of proving by the weight of the reliable, probative and substantial evidence that the employee's death was causally related to his federal employment. This burden includes the necessity of furnishing medical opinion evidence of a cause and effect relationship based on a proper factual and medical background.¹

The medical evidence required to establish a causal relationship, generally, is rationalized medical opinion evidence.² 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,³ must be one of reasonable medical certainty,⁴ 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.⁵

In this case, the Office properly found that the medical evidence appellant submitted was not sufficient to establish that her husband's death was caused by factors of his federal employment. The March 26, 1998 death certificate indicated that the cause of death was hypertensive cardiovascular disease, and did not indicate whether the decedent's death had been caused by an employment-related condition. The report from Dr. Sinha contained no references to any employment-related condition or disease which may have caused or contributed to the decedent's death, and Dr. Mandal's treatment note merely stated that he had treated him for anxiety and hypertension for two years prior to his death.

¹ *Kathy Marshall (James Marshall)*, 45 ECAB 827, 832 (1994); *Timothy Forsyth (James Forsyth)*, 41 ECAB 467, 470 (1990).

² *See Naomi A. Lilly*, 10 ECAB 560, 572-573 (1959).

³ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁴ *See Morris Scanlon*, 11 ECAB 384, 385 (1960).

⁵ *See William E. Enright*, 31 ECAB 426, 430 (1980).

The medical evidence appellant submitted fails to explain with reference to specific medical findings in the employee's case, how and why employment factors contributed to the employee's death. To be of probative value to appellant's claim, the medical evidence must contain a rationale which addresses the specifics, both factual and medical, of the employee's death.⁶ Neither Dr. Sinha's report nor Dr. Mandal's treatment note provided the necessary medical rationale that the employee had any employment-related condition or disease which caused his death. Therefore, the medical evidence submitted by appellant is of little probative value.

An award of compensation may not be based on surmise, conjecture or speculation. Neither the fact that the employee's death occurred during a period of employment, nor the belief that his death was caused, precipitated or aggravated by his employment is sufficient to establish causal relationship. Causal relationship must be established by rationalized medical opinion evidence. Appellant failed to submit such evidence, and the Office therefore properly found that she failed to meet her burden of proof to establish that her husband's death was caused by factors of his federal employment.⁷

The decisions of the Office of Workers' Compensation Programs dated September 21, 1999 and October 8, 1998 are hereby affirmed.

Dated, Washington, DC
January 18, 2001

Michael J. Walsh
Chairman

Michael E. Groom
Alternate Member

Bradley T. Knott
Alternate Member

⁶ *Victor J. Woodhams*, 41 ECAB 345, 353 (1989).

⁷ *Id.*