

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JUDY C. GOLL and DEPARTMENT OF VETERANS AFFAIRS,
VETERANS ADMINISTRATION, WHITE CITY DOMICILIARY, White City, OR

*Docket No. 01-1540; Submitted on the Record;
Issued February 7, 2002*

DECISION and ORDER

Before MICHAEL J. WALSH, ALEC J. KOROMILAS,
WILLIE T.C. THOMAS

The issue is whether appellant met her burden of proof to establish that her heart attack was causally related to factors of her employment.

On March 22, 2000 appellant, then a 58-year-old patient services assistant, filed an occupational disease claim alleging that her heart attack on February 13, 2000 occurred because a patient fell on her on February 8, 2000 and because of an increased workload.

In a report dated January 17, 2000, Theresa J. Brooks, a physician's assistant, stated that appellant had experienced recurrent neck and back pain and also had diabetes, hyperlipidemia, hypertension, panic disorder, mild obesity, myositis and a herniated disc. She related that appellant had increased responsibilities at work due to downsizing which, along with her medical problems, caused her to have depression, fatigue, and anxiety and an inability to carry out her daily work requirements.

The record shows that appellant was hospitalized on February 13, 2000 for an acute myocardial infarction and was discharged on February 15, 2000. The medical discharge summary also listed diagnoses of coronary artery disease, hypertension, hypercholesterolemia, diabetes, a history of panic disorder, chronic cervical and lumbar back pain and severe psychosocial stress related to work stress.

In a report dated March 28, 2000, Ms. Brooks stated that appellant's acute myocardial infarction on February 13, 2000 was caused by hypercholesterolemia, hypertension, diabetes, anxiety and stress.

In a report dated April 2, 2001, Dr. Stephen J. Schnugg stated that he treated appellant's myocardial infarction on February 13, 2000. He stated:

“[Appellant] has a number of chronic medical conditions that predispose her to coronary atherosclerosis. In addition, she reported feeling greatly stressed related

to difficulties at work when I first met her around the time of her heart attack in early 2000.

“While work stress is clearly not the sole contributing factor to [appellant’s] coronary atherosclerosis, it may have played a role in accelerating the pathophysiologic process that led to the infarction.”

By decision dated April 24, 2001, the Office of Workers’ Compensation Programs denied appellant’s claim on the grounds that the evidence of record failed to establish that her heart attack on February 13, 2000 was caused by factors of her employment.

The Board finds that appellant failed to meet her burden of proof to establish that her heart attack was causally related to factors of her employment.

An employee seeking benefits under the Federal Employees’ Compensation Act¹ has the burden of establishing the essential elements of his or her claim.² The claimant has the burden of establishing by the weight of the reliable, probative and substantial evidence that the condition for which compensation is sought is causally related to a specific employment incident or to specific conditions of the employment. As part of this burden, the claimant must present rationalized medical opinion evidence, based upon a complete and accurate factual and medical background, establishing causal relationship.³

In a report dated April 2, 2001, received by the Office on April 5, 2001, Dr. Schnugg stated that he treated appellant’s myocardial infarction on February 13, 2000. He stated that appellant had several chronic medical conditions that predisposed her to coronary atherosclerosis but that work stress might have played a role in accelerating the pathophysiologic process that led to her heart attack. However, Dr. Schnugg’s opinion that appellant’s work stress could have contributed to her heart condition is speculative. Furthermore, he did not identify any specific work factors that might have contributed to appellant’s condition but merely mentioned work stress in general. Dr. Schnugg’s report is not based upon a complete and accurate factual background and contains insufficient medical rationale. Therefore, it is not sufficient to establish that appellant’s heart attack on February 13, 2000 was causally related to factors of her employment.

Appellant also submitted reports from Theresa J. Brooks, a physician’s assistant. However, the opinion of a physician’s assistant is of no probative value under the Act. A “physician” includes surgeons, podiatrists, dentists, clinical psychologists, optometrists, chiropractors and osteopathic practitioners within the scope of their practice as defined by state law and chiropractors only to the extent that their reimbursable services are limited to treatment

¹ 5 U.S.C. §§ 8101-8193.

² See *Donald R. Vanlehn*, 40 ECAB 1237, 1238 (1989).

³ See *Brian E. Flescher*, 40 ECAB 532, 536 (1989).

of a subluxation as demonstrated by x-ray to exist.⁴ Lay individuals such as physician's assistants, nurse practitioners and social workers are not competent to render a medical opinion.⁵

The April 24, 2001 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC
February 7, 2002

Michael J. Walsh
Chairman

Alec J. Koromilas
Member

Willie T.C. Thomas
Alternate Member

⁴ 5 U.S.C. § 8101(2).

⁵ See *Robert J. Krstyen*, 44 ECAB 227, 229 (1992).