

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of LAURA PRISTAS and DEPARTMENT OF VETERANS AFFAIRS,  
VETERANS ADMINISTRATION MEDICAL CENTER, Wilkes Barre, PA

*Docket No. 01-1573; Submitted on the Record;  
Issued February 6, 2002*

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DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,  
MICHAEL E. GROOM

The issue is whether appellant has met her burden of proof in establishing that she developed a pulmonary condition due to work exposure in the performance of duty as alleged.

Appellant, a 46-year-old lead medical supply technician, filed a notice of occupational disease claim, alleging that she developed a pulmonary condition due to exposure to ethylene oxide gas while performing federal duties. Appellant asserted that she first became aware of the condition and that the condition was caused or aggravated by her employment on November 15, 1999.

In support, appellant submitted an attending physician's report (Form CA-20), dated November 21, 2000, from the medical staff at the Geisinger Medical Group. The form report indicated that appellant had been exposed to ethylene oxide and had presented with shortness of breath and chronic respiratory problems. According to the report, appellant was diagnosed with chronic obstructive pulmonary disease (COPD) and the attending staff member checked "yes" that the condition was caused or aggravated by an employment activity. The report contained an additional notation that the claimed exposure might have been the cause of appellant's condition.

On December 6, 2000 a claims examiner requested that an Office of Workers' Compensation Programs medical adviser review the CA-20 report, submitted by appellant, and determine whether she had such exposure at work and if so, whether such exposure was excessive. On January 5, 2001 the Office medical adviser responded to the Office's request and stated:

"Exposure to [ethylene oxide] causes surface damage first to the skin and mucus membranes of the upper airways before causing pulmonary edema. (NIOSH description of the medical effects are attached). There is no medical description of any of these symptoms happening so chronic pulmonary damage cannot be presumed to be caused by this exposure."

On January 5, 2001 the Office informed appellant that the evidence submitted in support of her claim was insufficient to establish the claimed employment-related exposure and requested further evidence within 30 days in order to make a determination on the claim. Appellant failed to submit any further evidence within the allotted timeframe.

By decision dated May 14, 2001, the Office denied appellant's claim on the grounds that causal relationship was not established. The Office found that appellant had not submitted "a well-reasoned medical opinion regarding causality between her exposure at work to fumes and her medical condition."

The Board finds that appellant has not established that she developed a pulmonary condition due to work exposure in the performance of duty as alleged.

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (1) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; and (3) medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant. The medical opinion 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>1</sup>

Appellant has the burden of proof to submit rationalized medical evidence explaining how and why factors of her federal employment, including exposure to ethylene oxide fumes, would cause the diagnosed COPD. The Board notes that, in its January 5, 2001 letter, the Office described in detail the type of evidence appellant needed in order to establish her claim. The Board finds that appellant did not submit sufficient rationalized medical evidence to establish causal relationship in this case. An opinion on causal relationship which consists only of a physician checking "yes" to a medical form report question on whether the claimant's condition was related to the history given is of little probative value. Without any explanation or rationale for the conclusion reached, such report is insufficient to establish causal relationship.<sup>2</sup>

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<sup>1</sup> *Charles E. Burke*, 47 ECAB 185 (1995).

<sup>2</sup> *Ruth S. Johnson*, 46 ECAB 237 (1994); *Lucrecia M. Nielsen*, 42 ECAB 583, 594 (1991).

The decision of the Office of Workers' Compensation Programs dated May 14, 2001 is hereby affirmed.

Dated, Washington, DC  
February 6, 2002

Michael J. Walsh  
Chairman

David S. Gerson  
Alternate Member

Michael E. Groom  
Alternate Member