

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of GLADYS ALLENDE, claiming as widow of CARLOS ALLENDE and
U.S. POSTAL SERVICE, POST OFFICE, San Juan, PR

*Docket No. 00-1077; Submitted on the Record;
Issued March 22, 2002*

DECISION and ORDER

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

The issue is whether the employee's death on November 10, 1996 was causally related to his federal employment.

On February 14, 1997 appellant filed a claim for compensation by widow (Form CA-5), alleging that the death of her husband on November 10, 1996 was causally related to his federal employment. By decision dated April 14, 1999, the Office of Workers' Compensation Programs denied the claim on the grounds that the medical evidence was insufficient to establish a causal relationship between the employee's death and his federal employment.

The Board finds that appellant has not met her burden of proof to establish that the employee's death was causally related to 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 employment. This burden includes the necessity of furnishing medical opinion evidence of a cause and effect relationship based on a complete factual and medical background.¹ The opinion of the physician must be one of reasonable medical certainty and must be supported by medical rationale.² The mere showing that an employee was receiving compensation for total disability at the time of his death does not establish that his death was causally related to his employment.³

In the present case, the Office accepted that the employee sustained hypertensive cardiovascular disease causally related to his federal employment as a letter carrier. The employee stopped working in September 1975 and received compensation until his death on

¹ *Carolyn P. Spiewak (Paul Spiewak)*, 40 ECAB 552 (1989).

² *Kathy Marshall (Dennis Marshal)*, 45 ECAB 827 (1994).

³ *Edna M. Davis (Kenneth L. Davis)*, 42 ECAB 728 (1991).

November 10, 1996. As noted above, the receipt of compensation at the time of death does not establish causal relationship. The death certificate reports the immediate cause of death as sepsis due to aplastic anemia. On the reverse of the CA-5 claim form, Dr. Ximoara Morillo-Azcuy, an internist, indicated that the direct cause of death was acute respiratory failure, sepsis, aplastic anemia, congestive heart failure and renal failure. With respect to history of injury or employment-related disease, Dr. Morillo-Azcuy reported “none,” and he also indicated “n/a [not applicable]” in response to a request for an opinion on causal relationship with an employment injury. His report is therefore not probative in establishing that the employee’s death was causally related to his accepted employment injury.

In a brief report dated June 1, 1997, Dr. Rajendra Hippalgaonkar, a cardiologist, stated that the employee had been treated for ischemic cardiomyopathy and opined that the employee’s cause of death was cardiac arrest secondary to cardiomyopathy. Dr. Hippalgaonkar did not provide an opinion on causal relationship with employment, or provide a history that demonstrated his understanding of the employee’s employment-related condition or the events surrounding his death on November 10, 1996. In the absence of such detail, the medical report is of diminished probative value.

The only medical evidence discussing the relevant issue is the reports dated July 11, 1997 and December 9, 1998 from an Office medical adviser. The Office medical adviser noted that the causes of death were sepsis and aplastic anemia. He opined that the underlying cardiac disease did not cause the anemia and resulting sepsis that led to the employee’s death. He concluded the December 9, 1998 report by noting that when the heart stops it can be called cardiac arrest, but the sequence leading up to this event was not part of the employee’s injury-related condition.⁴

The Board finds that appellant did not meet her burden of proof in this case. Appellant did not submit any probative medical evidence with a reasoned medical opinion, based on a complete factual background, that the employee’s death was employment related. The opinion of the Office medical adviser, based on the evidence of record, does not support causal relationship. Accordingly, the Board finds that the Office properly denied the claim in this case.

⁴ The Office medical adviser also indicated that there was no additional evidence supporting Dr. Hippalgaonkar’s June 1, 1997 statement.

The decision of the Office of Workers' Compensation Programs dated April 14, 1999 is affirmed.

Dated, Washington, DC
March 22, 2002

Michael J. Walsh
Chairman

Alec J. Koromilas
Member

Willie T.C. Thomas
Alternate Member