

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

---

In the Matter of KENNETH A. AMO and DEPARTMENT OF THE NAVY,  
PUGET SOUND NAVAL SHIPYARD, Bremerton, WA

*Docket No. 02-1853; Submitted on the Record;  
Issued November 21, 2002*

---

DECISION and ORDER

Before COLLEEN DUFFY KIKO, DAVID S. GERSON,  
A. PETER KANJORSKI

The issue is whether appellant has established that his aplastic anemia is causally related to radiation exposure during his federal employment.

On November 13, 2000 appellant, then a 37-year-old machinist, filed a notice of occupational disease and claim for compensation (Form CA-2) alleging that exposure to radiation in his federal employment had contributed to an aplastic anemia condition. The reverse of the claim form indicates that appellant retired from federal employment on October 27, 2000. In a narrative statement, he indicated that he worked from January 1983 to September 1985, as an assistant radiological control technician, resulting in chronic exposure to radiation. Appellant also indicated that from October 1989 to April 1993, he worked as a nuclear machinist and from April 1993 to July 1994 worked as an insulator, with additional exposure to radiation and radioactively contaminated components.

In a memorandum dated March 23, 2001, the employing establishment medical clinic officer indicated that he had reviewed appellant's claim, along with the employing establishment's medical and occupational records regarding appellant's employment. The medical clinic officer reported that dosimetry records indicated that appellant received a total effective dose equivalent to 4.108 rems from 1983 to 1995. In a report dated April 2, 2001, the employing establishment's Radiation Effects Advisory Board (REAB) reviewed appellant's compensation claim.<sup>1</sup> The REAB noted that the federal annual occupational radiation exposure limit was 5.0 rems and appellant's total federal exposure was less than the single year limit and only slightly higher than the average individual receives from background exposure. According to the REAB report, aplastic anemia has not been associated with low levels of ionizing radiation and the REAB opined that appellant's aplastic anemia was not caused by occupational exposure.

---

<sup>1</sup> The report is signed by Dr. Dale Mole, an osteopath, Dr. John Murray, a family physician, Dr. Robert Harris, a radiologist and Dr. Paul Blake, head of the employing establishment's radiation health branch.

By decision dated July 19, 2001, the Office of Workers' Compensation Programs denied the claim on the grounds that appellant had not submitted sufficient evidence to establish the claim.

The Board finds that appellant has not met his burden of proof to establish aplastic anemia as causally related to his federal employment.

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 employment factors identified by the claimant were the proximate cause of the condition for which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.<sup>2</sup> The evidence required to establish causal relationship is rationalized medical opinion evidence, based upon a complete and accurate factual and medical background, showing a causal relationship between the claimed conditions and his federal employment.<sup>3</sup> Neither the fact that the condition became manifest during a period of federal employment, nor the belief of appellant that the condition was caused or aggravated by his federal employment, is sufficient to establish causal relation.<sup>4</sup>

In this case, there is no dispute that appellant had aplastic anemia; the medical evidence provides a consistent diagnosis and he underwent a bone marrow transplant on August 22, 2000. With respect to occupational exposure, the record indicates that appellant had some exposure to radiation during federal employment. He has generally alleged exposure to radiation while performing various job duties from 1983 to 1985 and 1989 to 1994. The employing establishment, however, provided the only probative evidence as to the actual amount of exposure. A total exposure of 4.108 rems was reported by the employing establishment.

With respect to causal relationship, a medical opinion must be based on an accurate and complete background or its probative value is diminished. It is well established that medical reports must be based on a complete and accurate factual and medical background and medical opinions based on an incomplete or inaccurate history are of little probative value.<sup>5</sup> In this case, appellant submitted a November 14, 2000 report, from Dr. Joseph Johnson, who stated that he had reviewed appellant's occupational history and opined that "radiation exposure is very likely a contributing cause to his condition." Dr. Johnson indicated that the medical literature shows that acute and prolonged exposure to radiation are associated with an increase of marrow disorders, including aplastic anemia. He concluded that appellant had multiple exposures over several years and this must be considered significant.

---

<sup>2</sup> *Victor J. Woodhams*, 41 ECAB 345 (1989).

<sup>3</sup> *See Walter D. Morehead*, 31 ECAB 188 (1979).

<sup>4</sup> *Manuel Garcia*, 37 ECAB 767 (1986).

<sup>5</sup> *See Patricia M. Mitchell*, 48 ECAB 371 (1997); *Cleopatra McDougal-Saddler*, 47 ECAB 480 (1996).

It appears that Dr. Johnson based his opinion on the occupational history provided by appellant; the record contains a November 11, 2000 letter, to Dr. Johnson discussing his occupational radiation exposure. In this letter appellant states that he was exposed to both low and high levels of ionizing radiation, up to multiple rems per hour. The evidence of record, however, does not support such a significant exposure. As noted above, the employing establishment reported that appellant's total exposure over approximately 13 years from 1983 to 1995, was less than the annual exposure limit of 5.0 rems. Since Dr. Johnson appears to base his opinion on an inaccurate background, the Board finds that his report is of diminished probative value on the issue of causal relationship.

The April 2, 2001 report from the employing establishment physicians on the REAB is the only medical opinion evidence based on the reported exposure levels. This report provides a reasoned medical opinion that appellant's aplastic anemia was not causally related to occupational radiation exposure, noting that aplastic anemia has not been associated with low levels of ionizing radiation. The Board finds that this represents the weight of the evidence in this case. Based on the evidence of record, appellant has not met his burden of proof to establish aplastic anemia as causally related to his federal employment.<sup>6</sup>

The July 19, 2001 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC  
November 21, 2002

Colleen Duffy Kiko  
Member

David S. Gerson  
Alternate Member

A. Peter Kanjorski  
Alternate Member

---

<sup>6</sup> On appeal, appellant argues that the Office sent a May 24, 2001 letter to appellant, requesting additional evidence and providing 60 days to respond and then issued a decision before the 60-day period had expired. The May 24, 2001 letter, advised appellant to submit evidence within "approximately" 60 days; the Board notes that appellant has up to one year after the issuance of this Board decision to request reconsideration and submit additional evidence to the Office. *See Larry J. Lilton*, 44 ECAB 243 (1992).