

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of MARY L. WINFIELD and U.S. POSTAL SERVICE,
POST OFFICE, Chicago, IL

*Docket No. 02-1255; Submitted on the Record;
Issued October 29, 2002*

DECISION and ORDER

Before MICHAEL J. WALSH, COLLEEN DUFFY KIKO,
A. PETER KANJORSKI

The issue is whether appellant has established an asthma condition causally related to factors of her federal employment.

On May 5, 2001 appellant, then a 49-year-old distribution clerk, filed a notice of occupational disease and claim for compensation (Form CA-2) alleging that her asthma condition was causally related to her federal employment. She stated that she was exposed to blowing dust, dirt, debris and fumes from delivery barcode sorter/optical character reader (DBCS/OCR) machines during the 14 years she worked as an operator. Appellant also noted exposure to cigarette smoke.

By decision dated January 23, 2002, the Office of Workers' Compensation Programs denied the claim. The Office determined that appellant had not submitted rationalized medical evidence sufficient to establish her claim.

The Board finds that appellant did not meet her burden of proof to establish an employment-related asthma condition.

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.¹ The evidence required to establish causal relationship is rationalized medical opinion evidence,

¹ Victor J. Woodhams, 41 ECAB 345 (1989).

based upon a complete and accurate factual and medical background, showing a causal relationship between the claimed conditions and her federal employment.² Neither the fact that the condition became manifested during a period of federal employment, nor the belief of appellant that the condition was caused or aggravated by her federal employment, is sufficient to establish causal relation.³

Appellant has stated that she was exposed to dirt, dust, debris and fumes from DBCS/OCR machines while she worked as an operator of these machines over 14 years. She did not clearly identify when she stopped working as a machine operator. It is also noted that appellant stated that technicians cleaned the machines by blowing dirt, dust and debris around the workplace, but she did not discuss how often this occurred or provide other relevant details regarding the nature and extent of the employment exposure.

With respect to the medical evidence, appellant did not submit a reasoned medical opinion, based on a complete background, on causal relationship between an asthma condition and the employment factors. In an undated note, Dr. Sol Kaufman, an osteopath, stated that he had treated appellant since 1987 for sinus problems, bronchitis and asthma. He noted that appellant had reported “she is exposed to dust, torn paper particles, debris, fumes, from the machines and smoke from other employees, before the ban on smoking in 1995. All these irritants could aggravate her condition.” Dr. Kaufman did not provide a detailed factual and medical background. Moreover, his statement that such irritants could aggravate her condition is speculative and of diminished probative value without additional medical reasoning and explanation. Medical opinions that are speculative and not supported by medical rationale are generally entitled to little probative value and are insufficient to meet appellant’s burden of proof.⁴

It is appellant’s burden of proof to submit the necessary evidence to establish her claim. The Board finds that appellant has not met her burden in this case.

² See *Walter D. Morehead*, 31 ECAB 188 (1979).

³ *Manuel Garcia*, 37 ECAB 767 (1986).

⁴ *Carolyn F. Allen*, 47 ECAB 240 (1995).

The decision of the Office of Workers' Compensation Programs dated January 23, 2002 is affirmed.

Dated, Washington, DC
October 29, 2002

Michael J. Walsh
Chairman

Colleen Duffy Kiko
Member

A. Peter Kanjorski
Alternate Member