

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of OSAMA S. HAFIZ and DEPARTMENT OF THE ARMY,
DEFENSE LANGUAGE INSTITUTE, Monterey, CA

*Docket No. 03-1330; Submitted on the Record;
Issued August 6, 2003*

DECISION and ORDER

Before ALEC J. KOROMILAS, DAVID S. GERSON,
WILLIE T.C. THOMAS

The issue is whether appellant met his burden of proof to establish that his medical condition was caused or aggravated by factors of his federal employment.

On November 15, 2002 appellant, then a 54-year-old assistant professor, filed an occupational disease claim alleging that his walking, carrying books, and climbing of stairs in the performance of his duties precipitated and/or caused the heart attack he experienced on October 10, 2002. He indicated that he first became aware of his condition on October 10, 2002. In support of his claim, appellant submitted a personal statement, statements from Lance Corporal James Erick Hendricks and Sergeant Hugh R. Roberts describing events of October 10, 2002, and medical evidence regarding appellant's condition on October 10, 2002 and his subsequent hospitalization.

By letter dated December 13, 2002, the Office of Workers' Compensation Programs informed appellant of the type of evidence needed to support his claim. In a decision dated March 21, 2003, the Office denied appellant's claim on the grounds that the medical evidence of record failed to establish that his claimed medical condition was caused or aggravated by factors of his employment.

The Board finds that appellant failed to meet his burden of proof to establish that his claimed medical condition was caused or aggravated in the performance of duty.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing that the essential elements of his or her claim including the fact that the individual is an "employee of the United States" within the meaning of the Act, that the claim was timely filed within the applicable time limitation period of the Act, that an injury was sustained in the performance of duty as alleged and that any disability and/or specific condition

¹ 5 U.S.C. §§ 8101-8193.

for which compensation is claimed are causally related to the employment injury.² These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.³

Appellant has the burden of establishing by the weight of the reliable, probative and substantial evidence that his condition was caused by his employment. As part of this burden he must present rationalized medical opinion evidence, based on a complete factual and medical background, showing causal relation.⁴

In the present case, appellant has submitted insufficient medical evidence to establish that his claimed coronary medical condition was caused or aggravated by factors of his federal employment. In this regard, the Board has held that the mere fact that a condition manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two.⁵ Neither the fact that the condition became apparent during a period of employment nor the belief that the condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.⁶ Causal relationship must be substantiated by reasoned medical opinion evidence, which is appellant's responsibility to submit. In the instant case, none of the medical reports pertaining to the claimed condition contain any rationalized medical opinion, which relates the cause of this claimed condition to factors of his employment.

The Board finds that the medical evidence fails to establish the required causal nexus between appellant's cardiac condition and work factors. While appellant believed that his work environment contributed to his heart problems, the record contains insufficient medical opinion explaining how specific work factors caused and/or aggravated appellant's condition. The record contains several medical reports from Community Hospital of the Monterey Peninsula which indicate that appellant sustained cardiomegaly and unstable angina on October 10, 2002. However, the reports fail to provide a discussion of how appellant's federal duties would have caused or contributed to appellant's medical condition. In a December 5, 2002 medical report, Dr. Pir Shah diagnosed recurrent angina, but failed to offer an opinion on causal relationship. The other medical evidence of record, which documented the various testing and procedures appellant underwent, fails to provide a discussion regarding causal relationship. The Office informed appellant of the deficiencies in the medical evidence and what was needed to establish his claim in a letter dated December 13, 2002. While appellant submitted a November 14, 2002 attending physician's report in which Dr. Michael T. Galloway, a Board-certified internist, diagnosed unstable angina and opined, with a checkmark, that appellant's condition was not caused or aggravated by employment activity, the Board has held that when a physician's opinion on causal relationship consists only of checking "yes" to a form question, that opinion

² *Joe D. Cameron*, 41 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

³ *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁴ *Arlonia B. Taylor*, 44 ECAB 591, 595 (1993).

⁵ *See Joe T. Williams*, 44 ECAB 518, 521 (1993).

⁶ *Id.*

has little probative value and is insufficient to establish causal relationship.⁷ In this case, Dr. Galloway provided no further explanation. His opinion is therefore insufficient to meet appellant's burden.

As there is no probative, rationalized medical evidence addressing and explaining why appellant's medical condition was caused and/or aggravated by factors of his employment, appellant has not met his burden of proof in establishing that he sustained a medical condition in the performance of duty causally related to factors of employment. The Board, therefore, affirms the Office's finding that appellant did not sustain a compensable physical condition.

The March 21, 2003 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
August 6, 2003

Alec J. Koromilas
Chairman

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member

⁷ *Ruth S. Johnson*, 46 ECAB 237 (1994).