

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of PATSY J. GEORGE and U.S. POSTAL SERVICE,
POST OFFICE, Brentwood, TN

*Docket No. 03-2002; Submitted on the Record;
Issued December 16, 2003*

DECISION and ORDER

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

The issues are: (1) whether the Office of Workers' Compensation Programs has met its burden of proof to justify termination of appellant's compensation benefits effective April 21, 2002; and (2) whether appellant established that she had any continuing disability after April 21, 2002.

On July 20, 2000 appellant, then a 51-year-old rehabilitation clerk, filed a claim alleging that she developed an emotional condition as a result of harassment from her supervisors. Appellant's claim was accepted for situational anxiety due to a July 31, 2000 work incident where her workstation had been disrupted, her desk had been removed and her belongings had been placed in the trash. She stopped work on July 18, 2000 and did not return.¹

Appellant submitted various reports from her treating physician, Dr. Arthur E. Williams, an osteopath, dated March 16 to July 31, 2000, which diagnosed situational anxiety as a result of stress at work and advised that appellant was temporarily totally disabled as a result of this incident.

Thereafter, the employing establishment offered appellant several employment positions dated December 15, 2000, January 19 and 22, 2001, at an alternate work site, all of which she declined. On December 12, 2000 appellant was referred to the nurse intervention program.

In reports dated February 15 to 19, 2001, Dr. Williams advised that appellant was released to her regular rehabilitation position she held prior to her anxiety claim. In a report dated April 12, 2001, Dr. David A. Burns, a Board-certified psychiatrist, noted that a history of employment harassment commencing in 1999 and indicated that he was impressed with the

¹ The record reflects that appellant filed a separate claim for an emotional condition occurring on April 2, 1999 claim No. 06-0725685, which was accepted by the Office. This claim was later closed by the Office.

degree of stress appellant experienced. Dr. Burns diagnosed anxiety disorder and noted that appellant had not been able to return to work.

By letter dated May 23, 2001, the Office notified appellant that it proposed to reduce her compensation to zero due to her failure to cooperate with the nurse intervention program and finalized the reduction by decision dated September 24, 2001. Following appellant's reconsideration request, in a decision dated October 30, 2001, the Office reinstated her benefits based on her cooperation with the nurse intervention program.

The Office referred appellant, along with a statement of accepted facts and the medical record, to Dr. Ahmed I. Farooque, a Board-certified psychiatrist, for a second opinion evaluation. In a report dated December 1, 2001, Dr. Farooque indicated that he reviewed the records provided to him and performed a physical examination of appellant. He noted that upon physical examination appellant was anxious but denied being depressed. The physician found no overt sign of psychosis, that her memory and cognitive functions were intact and her overall presentation was histrionic and dramatic. Dr. Farooque diagnosed appellant with anxiety disorder, not otherwise specified and histrionic personality trait. He opined that the July 18, 2000 incident was not the sole cause of appellant's current condition because the severity of her symptoms did not fit the nature of the incident, which occurred on July 18, 2000. The physician noted that there was no need for any work restrictions and believed that appellant had an unrealistic definition of the right work environment, which he believed was unachievable. Dr. Farooque indicated that appellant's prognosis was guarded because there was secondary gain involved. In a supplemental report, Dr. Farooque sought to clarify his previous opinion, noting that appellant had a preexisting histrionic personality and that her current psychological disorder was not due to the incident of July 18, 2000 but to the preexisting personality disorder, which started when she was in her 20's. He noted that because appellant had a histrionic personality she tended to exaggerate and amplify her symptoms and was very dramatic in her presentation. The physician advised that appellant had been able to return to work in August 2000.

Thereafter, appellant submitted a report from Dr. Burns dated November 19, 2001, which advised that a proposed meeting between appellant and management on December 4, 2001 was ill-advised and would contribute to appellant's anxiety associated with her post-traumatic symptoms. His report of February 2, 2002 provided a history of appellant's condition, noting that the work incident was traumatic and left her with anxiety and mistrust of others especially supervisors. The physician set forth parameters for appellant's smooth transition back to work.

On March 1, 2002 the employing establishment offered appellant a permanent full-time position as a modified distribution clerk, which was in compliance with the medical restrictions set forth by Dr. Burns. The position was the same permanent rehabilitation position appellant held prior to July 18, 2000.

On March 8, 2002 the Office issued a notice of proposed termination of compensation on the grounds that Dr. Farooque's reports established no continuing disability of appellant's employment injury.

Appellant submitted several statements dated March 13, 16 and 29, 2002, in which she noted her disagreement with Dr. Farooque's opinion and advised that she still suffered residuals

of her accepted emotional condition from the incident of July 31, 2000. Appellant submitted a report from Dr. Burns dated March 25, 2002, which advised that appellant was ready to return to work subject to medical restrictions of a limit of six and one-half hours per day and a work environment free from external noise and distraction.

By decision order dated April 17, 2002, the Office terminated appellant's benefits effective April 21, 2002 on the grounds that Dr. Farooque's reports were the weight of the medical evidence and established that appellant had no continuing disability resulting from her employment injury.

Appellant requested a hearing before an Office hearing representative and submitted additional medical evidence. The hearing was held on January 30, 2003. In a report from Dr. William H. Ledbetter, an orthopedist, dated April 14, 2002, he noted treating appellant for chronic cervicgia and degenerative disc disease of the cervical spine. Also submitted was a report dated January 16, 2003 from Dr. Burns, which requested that his treatment with appellant be reestablished so that he could continue to work with her regarding her anxiety disorder.

In a decision dated July 9, 2003, the hearing representative affirmed the decision of the Office dated April 17, 2002, noting that Dr. Farooque's reports were the weight of the medical evidence and established that appellant had no continuing disability resulting from her employment injury.

The Board finds that the Office has met its burden of proof to terminate appellant's compensation benefits effective April 21, 2002.

In December 2001 the Office referred appellant for a second opinion to Dr. Farooque. In his reports dated December 1, 2001 and March 1, 2002, Dr. Farooque diagnosed appellant with anxiety disorder, not otherwise specified and histrionic personality trait. The physician opined that the July 18, 2000 incident was not the sole cause of appellant's current condition because the severity of her symptoms did not fit the nature of the incident, which occurred on July 18, 2000. Dr. Farooque noted that there was no need for any work restrictions and believed that appellant had an unrealistic definition of the right work environment, which he believed was unachievable. He further indicated that appellant's prognosis was guarded because there was secondary gain involved. In his March 1, 2002 report, Dr. Farooque noted that appellant had a preexisting histrionic personality and that her current psychological disorder was not due to the incident of July 18, 2000 but to the preexisting personality disorder, which started when she was in her 20's. He noted that because appellant had a histrionic personality she tended to exaggerate and amplify her symptoms and was very dramatic in her presentation. The physician noted that appellant was ready to return to work in August 2000.

Appellant submitted numerous reports from her treating physicians, particularly Drs. Williams and Burns. In reports dated February 15 to 19, 2001, Dr. Williams did not specifically support that appellant had a continuing work-related condition, rather he released her to the regular rehabilitation position she held prior to her anxiety claim. Dr. Burns' report of April 12, 2001 diagnosed anxiety disorder and noted that appellant had not been able to return to work. His reports dated October 1 and November 19, 2001 and February 2, 2002 noted that he disagreed with the assessment that appellant was noncompliant and advised that a proposed

meeting between appellant and management on December 4, 2001 was ill-advised and would contribute to her anxiety associated with her post-traumatic symptoms.

In the instant case, the Board finds that in none of his reports did Dr. Burns specifically address how any continuing condition or medical restrictions were causally related to the accepted July 31, 2000 employment incident. After issuance of the pretermination notice, appellant submitted a report from Dr. Burns dated March 25, 2002, which advised that appellant was ready to return to work subject to medical restrictions of a limit of six and one-half hours per day and a work environment free from external noise and distraction. The Board has found that vague and unrationalized medical opinions on causal relationship have little probative value.² Without any explanation or rationale for the conclusion reached, such report is insufficient to establish causal relationship.³

The Board finds that, under the circumstances of this case, the opinion of Dr. Farooque is sufficiently well rationalized and based upon a proper factual background such that it is the weight of the evidence and established that appellant's work-related condition has ceased. Dr. Farooque indicated that appellant did not suffer residuals from the accepted condition of situational anxiety from the incident of July 31, 2000. He noted that the condition was resolved. The Office, therefore, properly terminated appellant's compensation effective April 21, 2002.

The Board further finds that appellant failed to establish that she had any continuing disability after April 21, 2002.

As the Office met its burden of proof to terminate appellant's compensation benefits, the burden shifted to her to establish that she had disability causally related to her accepted injury.⁴ To establish causal relationship between the condition, as well as any attendant disability claimed and the employment injury, an employee must submit rationalized medical evidence, based on a complete factual and medical background, supporting such causal relationship.⁵

Subsequent to the termination of benefits, appellant submitted a medical report from Dr. Burns dated January 16, 2003, in which he requested that his treatment with appellant be reestablished so that he could continue to work with her regarding her anxiety disorder.⁶ However, this report did not specifically address how any continuing condition was causally related to the July 31, 2000 employment incident. It is, therefore, insufficient to meet appellant's burden of proof.

² *Jimmie H. Duckett*, 52 ECAB 332 (2001); *Franklin D. Haislah*, 52 ECAB 457 (2001) (medical reports not containing rationale on causal relationship are entitled to little probative value).

³ *Lucrecia M. Nielson*, 42 ECAB 583, 594 (1991).

⁴ *See Manuel Gill*, 52 ECAB 282 (2001).

⁵ *Id.*

⁶ Also submitted was a report from Dr. Ledbetter, which noted treating appellant for an unrelated back condition.

The decisions of the Office of Workers' Compensation Programs dated July 9, 2003 and April 17, 2002 are hereby affirmed.

Dated, Washington, DC
December 16, 2003

Alec J. Koromilas
Chairman

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member