

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of LOUIS T. BLAIR, JR. and U.S. POSTAL SERVICE,  
POST OFFICE, Raleigh, TN

*Docket No. 02-2289; Submitted on the Record;  
Issued January 16, 2003*

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DECISION and ORDER

Before COLLEEN DUFFY KIKO, DAVID S. GERSON,  
MICHAEL E. GROOM

The issue is whether appellant sustained an injury in the performance of duty on December 19, 2000.

On or about January 5, 2001 appellant, then a 51-year-old customer service manager, filed a claim alleging that he sustained an injury in the performance of duty on December 19, 2000 when he felt a sharp pain in his left temple as he waited to testify at an Equal Employment Opportunity Commission (EEOC) hearing. His speech became slurred and he lost movement on his right side. Appellant stopped work on December 20, 2000 and did not return.

The Office of Workers' Compensation Programs requested additional information, including his physician's opinion, supported by medical rationale, on how the reported work incident on December 19, 2000 caused or aggravated the claimed medical condition.

Appellant submitted hospitalization and billing records and a February 21, 2001 report from his neurosurgeon, Dr. Jon H. Robertson, who reported that appellant gave no history of injury. He was found in his automobile with right upper extremity weakness and slurred speech. His diagnosis was small left basal ganglia hemorrhage. Dr. Robertson reported: "I am unaware of any accident or event, work related or otherwise, which would have caused [appellant's] left basal ganglia hemorrhage."

On March 19, 2001 the Office denied appellant's claim on the grounds that the evidence failed to establish that his diagnosed condition was caused by his federal employment.

Appellant requested an oral hearing before an Office hearing representative. At the hearing, which was held on November 5, 2001, appellant testified and submitted medical evidence.

In a report dated March 19, 2001, Dr. Keith Atkins, a Board-certified clinical neurologist, related appellant's history, complaints and medical treatment. Dr. Atkins described his findings

on examination and reported that the results of appellant's evaluation were consistent with a left hemisphere stroke.

In a report dated July 10, 2001, Dr. Christopher B. Green, a Board-certified internist, related appellant's history and medical treatment. Dr. Green pronounced appellant medically and neurologically stable.

In a decision dated February 11, 2002, the hearing representative affirmed the Office's decision denying appellant's claim. The hearing representative found that appellant failed to submit rationalized medical opinion evidence to support that his left basal ganglia hemorrhage was causally related to his federal employment.

The Board finds that appellant has not met his burden to establish that he sustained an injury in the performance of duty on December 19, 2000.

An employee seeking benefits under the Federal Employees' Compensation Act<sup>1</sup> has the burden of proof to establish the essential elements of his claim. When an employee claims that he sustained an injury in the performance of duty, he must submit sufficient evidence to establish that he experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. He must also establish that such event, incident or exposure caused an injury.<sup>2</sup>

The Office does not dispute that appellant was waiting to testify at an EEOC hearing on December 19, 2000 when he felt a sharp pain in his left temple. The question for determination is whether this incident or exposure, or any established factor of appellant's federal employment, caused or contributed to his left basal ganglia hemorrhage.

Causal relationship is a medical issue,<sup>3</sup> and the medical evidence generally required to establish causal relationship is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence that includes a physician's rationalized opinion on whether there is a causal relationship between the claimant's diagnosed condition and the established incident or factor of employment. The opinion of the physician must be based on a complete factual and medical background of the claimant,<sup>4</sup> must be one of reasonable medical certainty,<sup>5</sup> and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the established incident or factor of employment.<sup>6</sup>

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<sup>1</sup> 5 U.S.C. §§ 8101-8193.

<sup>2</sup> See *Walter D. Morehead*, 31 ECAB 188, 194 (1979) (occupational disease or illness); *Max Haber*, 19 ECAB 243, 247 (1967) (traumatic injury). See generally *John J. Carlone*, 41 ECAB 354 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

<sup>3</sup> *Mary J. Briggs*, 37 ECAB 578 (1986).

<sup>4</sup> *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

<sup>5</sup> See *Morris Scanlon*, 11 ECAB 384-85 (1960).

<sup>6</sup> See *William E. Enright*, 31 ECAB 426, 430 (1980).

Appellant submitted no such medical opinion. Neither Dr. Atkins nor Dr. Green discussed whether appellant's diagnosed medical condition bore anything more than a temporal relationship to his federal employment.<sup>7</sup> The mere fact that a condition manifests itself or worsens during a period of federal employment does not raise an inference of causal relationship between the two.<sup>8</sup> That a stroke occurred during working hours does not mean it occurred because of work. Appellant failed to submit a well-reasoned medical opinion explaining to a reasonable medical certainty how his federal employment caused or contributed to the left basal ganglia hemorrhage he suffered on December 19, 2000. The only medical evidence addressing the issue is the February 21, 2001 report from appellant's neurosurgeon, Dr. Robertson, who stated: "I am unaware of any accident or event, work related or otherwise, which would have caused [appellant's] left basal ganglia hemorrhage."

Because appellant has submitted insufficient medical opinion evidence to support causal relationship, he has failed to establish his claim for compensation. The Board will affirm the denial of his claim.

The February 11, 2002 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC  
January 16, 2003

Colleen Duffy Kiko  
Member

David S. Gerson  
Alternate Member

Michael E. Groom  
Alternate Member

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<sup>7</sup> A temporal relationship alone is insufficient to establish a causal relationship. *Thomas D. Petrylak*, 39 ECAB 276 (1987).

<sup>8</sup> *Steven R. Piper*, 39 ECAB 312 (1987).