



Appellant submitted a sheet metal mechanic job description and a narrative statement, which noted that he was exposed to asbestos while employed in the following positions: from 1967 to 1968 he worked as an insulator helper handling pipe covers; from 1968 to 1970 he worked as a soldier in motor pool maintenance in the United States and in Germany; and from 1970 to 1976 he was employed as a sheet metal worker and sheet metal mechanic.

In a letter dated March 17, 2003, the employing establishment noted that appellant worked at the employing establishment from 1967 to 1968 and from 1975 to 1976; however, he received a majority of his asbestos exposure while employed outside of the employing establishment. It was also reported that appellant also had a history of smoking cigarettes.

By letter dated March 26, 2003, the Office advised appellant that the evidence submitted was insufficient to establish that he sustained an injury in the performance of duty. The Office requested that appellant submit additional information including a comprehensive medical report from his treating physician, which included a reasoned explanation as to how the specific work factors or incidents identified by appellant had contributed to his claimed condition.

Appellant submitted employing establishment medical records dated July 1966 to 1974, which noted a broken ankle. Chest x-rays from July and October 1966, May 1967 and September 1974 revealed no abnormalities. Also submitted was a report from Dr. Marc I. Suffis, Board-certified in emergency medicine, dated June 13, 2001, who diagnosed chronic obstructive pulmonary disease and an evaluation for asbestos exposure. Appellant reported exposure to asbestos in 1966, while working with Lent's Incorporated. and installing duct work and insulation in homes and handling other fibrous products. He noted that appellant was a light smoker. The physician indicated that a pulmonary function report of 1999 revealed a mild impairment of the functional aerobic capacity and that previous pulmonary function reports of September 1997, August and December 1998, revealed no abnormalities. A chest x-ray revealed findings consistent with asbestosis with diaphragmatic pleural plaques bilaterally. Dr. Suffis concluded that appellant had clear radiologic evidence of previous asbestos exposure; however, he noted that it would have to be determined as to whether appellant was actually exposed to asbestos.

On July 10, 2003 appellant was referred for a second opinion evaluation by Dr. Rex Bolin, a Board-certified internist. Appellant, however, did not undergo an evaluation as requested. By letter dated August 28, 2003, the Office again advised appellant that the evidence submitted was insufficient to establish that he sustained an injury in the performance of duty. The Office requested that appellant submit additional information including a comprehensive medical report, from his treating physician, which included a reasoned explanation as to how the specific work factors or incidents identified by appellant had contributed to his claimed condition. No additional medical evidence was received by the Office.

In a decision dated October 24, 2003, the Office denied appellant's claim on the grounds that the medical evidence was not sufficient to establish that his pulmonary condition was caused by factors of his federal employment.

## LEGAL PRECEDENT

In order to establish that an injury was sustained in the performance of duty, 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 diagnosed condition is causally related to the employment factors identified by the claimant.<sup>1</sup> Causal relationship is a medical question that can generally be resolved only by rationalized medical opinion evidence.<sup>2</sup>

## ANALYSIS

The Board finds that the medical evidence is insufficient to establish that appellant's pulmonary condition is causally related to his federal employment exposure. Appellant submitted medical records from July 1966 to 1974, which included chest x-rays from July and October 1966, May 1967 and September 1974. These x-rays revealed no pleural abnormalities. Also submitted was a report from Dr. Suffis dated June 13, 2001, in which appellant reported that his exposure to asbestos occurred in 1966 while working with Lent's Incorporation, installing duct work and insulation in homes and handling other fibrous products. Dr. Suffis did not mention or address appellant's employment as a sheet metal mechanic with the employing establishment. The physician further indicated that the pulmonary function report of 1999 revealed a mild impairment of the functional aerobic capacity and that a chest x-ray revealed findings consistent with asbestosis with diaphragmatic plaques present bilaterally. Dr. Suffis did not provide a rationalized medical opinion regarding the causal relationship between appellant's diagnosed pulmonary condition and the factors of employment.<sup>3</sup> Therefore, Dr. Suffis' opinion is insufficient to meet appellant's burden of proof.

## CONCLUSION

The Board finds that appellant failed to establish that he sustained an injury in the performance of duty.

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<sup>1</sup> *Victor J. Woodhams*, 41 ECAB 345 (1989).

<sup>2</sup> *See Robert G. Morris*, 48 ECAB 238 (1996). A physician's opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors must be based on a complete factual and medical background of the claimant. *Victor J. Woodhams*, *supra* note 1. Additionally, in order to be considered rationalized the opinion must be expressed in terms of a reasonable degree of medical certainty and must be supported by medical rationale, explaining the nature of the relationship between the diagnosed condition and the claimant's specific employment factors. *Id.*

<sup>3</sup> *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).

**ORDER**

**IT IS HEREBY ORDERED THAT** the October 24, 2003 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: April 19, 2004  
Washington, DC

Alec J. Koromilas  
Chairman

David S. Gerson  
Alternate Member

Michael E. Groom  
Alternate Member