

medical treatment. The Board found that the issuance of the letter of warning constituted error or abuse in an administrative or personnel matter. However, the Board found that the medical evidence of record did not establish that appellant's depression was due to the accepted factor of employment. The Board also found that the Branch of Hearings and Review properly denied appellant's request for an oral hearing as untimely and affirmed the September 25, 2003 and January 7, 2004 decisions of the Office. The facts and the circumstances of the case as set forth in the Board's prior decision are adopted herein by reference.¹

Following the Board's July 28, 2004 decision, appellant requested reconsideration and submitted additional medical evidence from Dr. Renee Y. Hill, a Board-certified psychiatrist. On August 26, 2004 Dr. Hill stated, "[T]he conflicting message given by a disciplinary action for [appellant's] refusal to report to work, on a date that she required medical attention, was absolutely a causative factor to emotional distress." She stated that the medical attention appellant needed on June 7, 2001 was also for her emotional distress regarding her experience of intimidation from her supervisor. She attributed appellant's "well of hopelessness and despair" to the June 18, 2001 letter of warning.

By decision dated October 4, 2004, the Office denied modification of June 17, 2003 decisions on the grounds that the medical evidence was not sufficiently detailed and well rationalized to establish that her emotional condition was caused or aggravated by the June 18, 2001 letter of warning.

LEGAL PRECEDENT

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 of existence of a the disease or condition for which compensation is claimed; (2) a factual statement identifying the 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. The medical opinion must be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.²

ANALYSIS

The Board accepted that appellant substantiated a compensable factor of employment, the erroneous letter of warning issued on June 18, 2001.

Appellant submitted additional medical evidence from Dr. Hill, a Board-certified psychiatrist. On August 26, 2004 she noted that on June 18, 2001 appellant received disciplinary action due to her refusal to report to work on a date that she required medical treatment. She opined that this action was "absolutely a causative factor to appellant's emotional distress."

¹ Docket No. 04-810 (issued July 28, 2004).

² *Solomon Polen*, 51 ECAB 341, 343-44 (2000).

Dr. Hill noted that the events of June 18, 2001 “precipitated a well of hopelessness and despair” and resulted in the need for medical treatment. Although Dr. Hill concluded that appellant’s accepted employment factor contributed to her diagnosed emotional condition, she did not offer any medical reasoning explaining how and why she reached this conclusion. Dr. Hill noted that, on June 7, 2001, the date appellant refused an order to report to work, she required medical treatment for her emotional distress resulting from intimidation by her supervisor. This statement introduces vagary into Dr. Hill’s opinion on causal relationship as it addresses an allegation of supervisory intimidation which has not been accepted as a compensable work factor. As Dr. Hill did not offer any explanation for her opinions regarding the causation of appellant’s emotional condition, the Board finds her opinion is not sufficiently well rationalized and detailed to meet appellant’s burden of proof in establishing that she developed an emotional condition as a result of the June 18, 2001 letter of warning.

CONCLUSION

The Board finds that the medical evidence is not sufficient to establish that appellant developed an emotional condition as a result of the accepted compensable employment factor, the erroneous issuance of the June 18, 2001 letter of warning. Appellant has failed to meet her burden of proof in establishing an emotional condition as a result of her federal employment and the Office properly denied her claim.

ORDER

IT IS HEREBY ORDERED THAT the October 4, 2004 decision of the Office of Workers’ Compensation Programs is affirmed.

Issued: May 20, 2005
Washington, DC

Alec J. Koromilas
Chairman

David S. Gerson
Alternate Member

Michael E. Groom
Alternate Member