

**United States Department of Labor
Employees' Compensation Appeals Board**

DONALD TRUNZO, Appellant

and

**DEPARTMENT OF HOMELAND SECURITY,
TRANSPORTATION SECURITY
ADMINISTRATION, Anchorage, AK, Employer**

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**Docket No. 05-1780
Issued: November 22, 2005**

Appearances:
Donald Trunzo, pro se
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:

DAVID S. GERSON, Judge
WILLIE T.C. THOMAS, Alternate Judge
MICHAEL E. GROOM, Alternate Judge

JURISDICTION

On August 29, 2005 appellant filed a timely appeal from the Office of Workers' Compensation Programs' merit decision dated May 26, 2005, denying appellant's claim for a cardiac condition causally related to his federal employment. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

ISSUE

The issue is whether appellant has established that he sustained a cardiac condition causally related to factors of his federal employment.

FACTUAL HISTORY

On July 23, 2003 appellant, then a 45-year-old supervisor, filed a traumatic injury claim for continuation of pay/compensation (Form CA-1) alleging that he sustained a cardiac injury on July 1, 2003. The reverse of the claim form indicated that appellant was on a temporary-duty assignment on July 1, 2003. A hospital report dated July 1, 2003 indicated that appellant was

eating at a restaurant with his wife when he had seizure-like symptoms and was admitted to the hospital for ventricular fibrillation arrest. The report noted a 30-year history of smoking 1 to 2 packs per day. Appellant underwent an ICD (implantable cardioverter defibrillator) implantation on July 7, 2003.

In a form report (CA-20) dated August 8, 2003, Dr. David Rawling, a cardiologist, diagnosed a history of cardiac arrest. Dr. Rawling checked a box “no” as to causal relationship with employment, stating “no clear evidence of this.”

In a statement dated November 20, 2003, appellant indicated that he had been working a temporary assignment in Anchorage, Alaska, since May 13, 2003. He indicated that he was responsible for approximately 130 screeners, had to work long hours and was forced to skip meals and have fast food for dinner. Appellant noted that he had been seeing Dr. Rawling on a regular basis for an irregular heartbeat prior to July 1, 2003. He indicated that on July 1, 2003 he had 20 screeners that were being replaced, and after he got the new screeners to their hotel he met his wife for dinner, where he went into cardiac arrest.

By decision dated December 8, 2003, the Office denied the claim, finding that appellant was not in the performance of duty at the time of the July 1, 2003 incident. Appellant requested a review of the written record by an Office hearing representative. In a decision dated March 30, 2004, the hearing representative set aside the December 8, 2003 decision. The hearing representative indicated that appellant was not claiming that the dinner on July 1, 2003 caused his condition; he was claiming that his work duties contributed to his cardiac condition.

In a letter dated May 14, 2004, an employing establishment human resources specialist stated that appellant was on temporary-duty assignment and he was a supervisor of more than 100 screeners. The specialist indicated that screeners were arriving from all over the country at unannounced times and appellant had responsibility for finding lodgings for the screeners, transport for them, orient them to the work site and deal with their problem of being away from their home work site.

Appellant submitted a statement on May 24, 2004 describing his job duties. He noted that his duties included daily briefings, completing reports, dealing with personnel issues, overseeing the screening process for the shift, and providing general supervision.

By decision dated July 12, 2004, the Office denied the claim for compensation. The Office found that the medical evidence was insufficient to establish an injury causally related to factors of appellant’s federal employment.¹

Appellant requested a review of the written record and submitted a September 3, 2004 report from Dr. Rawling, who stated that appellant was on temporary-duty assignment and “I will not reiterate all the details, but clearly [appellant] was not leading a healthy lifestyle at the time of his event. While one can never ‘prove’ that the stress of his job and his lifestyle ‘caused’

¹ The Office accepted as compensable factors that appellant supervised approximately 130 screeners, worked 120 to 130 hours per pay period, was responsible for reports, getting security badges, scheduling and other personnel issues, and in the process of working long hours appellant skipped meals and ate fast food.

his cardiac arrest, there is an established body of literature showing that these things can certainly contribute to or facilitate patients having cardiac arrests. Thus, in my opinion, his event should be covered under his workmen's compensation."

In a decision dated May 26, 2005, an Office hearing representative affirmed the July 12, 2004 decision. The hearing representative found that appellant had not met his burden to establish an injury causally related to his federal employment.

LEGAL PRECEDENT

A claimant seeking benefits under the Federal Employees' Compensation Act² has the burden of establishing the essential elements of his claim by the weight of the reliable, probative and substantial evidence, including that an injury was sustained in the performance of duty as alleged and that any specific condition or disability claimed is causally related to the employment injury.³

To establish that an injury was sustained in the performance of duty, a claimant must submit: (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.⁴

Causal relationship is a medical question that can generally be resolved only by rationalized medical opinion evidence.⁵ 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.⁶ 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 appellant's specific employment factors.⁷

ANALYSIS

Although appellant filed a traumatic injury claim, it is evident from the record, and the Office has acknowledged, that his claim is that the performance of his job duties over more than a single workday contributed to a cardiac condition and his cardiac arrest on July 1, 2003.

² 5 U.S.C. §§ 8101-8193.

³ 20 C.F.R. § 10.115(e), (f) (2005); see *Jacquelyn L. Oliver*, 48 ECAB 232, 235-36 (1996).

⁴ *Ruby I. Fish*, 46 ECAB 276, 279 (1994).

⁵ See *Robert G. Morris*, 48 ECAB 238 (1996).

⁶ *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

⁷ *Id.*

Appellant has alleged the responsibilities of supervising over 100 screeners, and the performance of his job duties related to these responsibilities, were stressful and he sustained a cardiac injury causally related to these employment factors.

The hearing representative indicated that appellant had not provided a statement on relevant factors such as smoking history and prior cardiac history, but this information relates to the quality of the medical evidence in this case. To be of probative value, the medical evidence must be based on a complete and accurate factual and medical history. It must also provide a reasoned medical opinion on causal relationship between a diagnosed condition and the identified employment factors. The hospital report from July 1, 2003 notes, for example, a 30-year smoking history. Any medical report on causal relationship must properly consider the relevant history.

In this case, Dr. Rawling did not provide a complete factual and medical history in his September 3, 2004 report. He did not provide a background for his opinion other than to state that he would not reiterate the details. The Board notes that Dr. Rawling had initially indicated “no” regarding causal relationship in his August 8, 2003 form report. In a September 3, 2004 report, Dr. Rawling referred generally to stress and an unhealthy lifestyle, and to medical literature that “these things” can contribute to cardiac arrests, without providing a detailed explanation of the identified employment factors and a reasoned medical opinion on causal relationship with a diagnosed cardiac condition. The Board finds that his report is of diminished probative value to the issue presented.

The medical evidence of record does not contain a reasoned medical opinion on causal relationship based on a complete and accurate background. It is appellant’s burden of proof, and the evidence is not sufficient to meet appellant’s burden in this case.

CONCLUSION

The Board finds that appellant has not met his burden of proof to establish a cardiac injury causally related to his federal employment.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated May 26, 2005 is affirmed.

Issued: November 22, 2005
Washington, DC

David S. Gerson, Judge
Employees' Compensation Appeals Board

Willie T.C. Thomas, Alternate Judge
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge
Employees' Compensation Appeals Board