

2005, the Board remanded the case to the Office to make adequate findings of fact regarding appellant's claimed employment factors.² In its April 19, 2006 decision, the Board found that appellant had established compensable factors of employment, in that he was required to work outside of his medical restrictions.³ Accordingly, the Board remanded the case to the Office for analysis and development of the medical evidence.⁴ The findings of fact and conclusions of law from the prior decisions are hereby incorporated by reference.

Relevant medical evidence of record consisted primarily of reports from Dr. Daniel L. Koch, a licensed clinical psychologist. On August 23, 1999 Dr. Koch recommended that appellant be excused from attending weekly staff meetings or any other meetings that would cause him to come in contact with Postmaster James Salter. In a March 23, 2000 attending physician's report, Dr. Koch provided restrictions including "40 hours per week; no administrative meetings." On November 5, 2001 Dr. Koch stated that appellant was restricted from meeting with his supervisor, Mr. Salter. He also indicated that appellant's transfer from customer service to a new job added stress. In a February 25, 2004 attending physician's report, Dr. Koch described appellant's history of injury as "harassment through inappropriate reassignment." On April 1, 2004 Dr. Koch stated that appellant was compelled to stop working on February 20, 2004 due to a violation on the part of the employing establishment, and the failure of his supervisor to recognize his light-duty agreement. In an April 6, 2004 work capacity certificate, Dr. Koch provided a diagnosis of post-traumatic stress disorder. On April 27, 2004 he opined that the employing establishment's continued violations of medical restrictions and attempts to modify appellant's limited-duty agreement "aggregated, precipitated or accelerated" his post-traumatic stress disorder. These violations included requiring appellant to be present during a meeting with Mr. Salter and requiring him to work more than eight hours per day. On September 27, 2004 Dr. Koch stated that appellant was "precipitously fired on February 20, 2004."

On May 1, 2006 the Office informed appellant that the medical evidence of record was insufficient to support that his diagnosed post-traumatic stress disorder was caused or aggravated by accepted factors of employment. The Office asked appellant to submit a comprehensive medical report which provided a rationalized opinion explaining how working in excess of 40 hours per week and being exposed to Mr. Salter contributed to his diagnosed condition.

In a May 22, 2006 report, Dr. Koch stated that he had provided numerous evaluations supporting his opinion that appellant's post-traumatic stress disorder was caused by factors of his employment. Noting that he had been treating appellant on a weekly basis since 1999 and had filed monthly reports to the Office, he asked the Office to be specific as to the required data.

² Docket No. 05-833 (issued August 8, 2005).

³ The Board found that working in excess of 40 hours per week and being required to attend a meeting with his supervisor, Mr. Salter, was beyond the scope of appellant's restrictions.

⁴ Docket No. 06-202 (issued April 19, 2006).

By decision dated July 17, 2006, the Office denied appellant's claim on the grounds that the medical evidence did not demonstrate that his condition was causally related to the established factors of employment.

LEGAL PRECEDENT

In an emotional condition case, where the medical evidence establishes that the disability results from an employee's emotional reaction to his regular or specially assigned employment duties, or to a requirement imposed by the employing establishment, the disability comes within coverage of the Federal Employees' Compensation Act.⁵ The same result is reached when the emotional disability resulted from the employee's emotional reaction to the nature of a claimant's work or his fear and anxiety regarding his ability to carry out his duties.⁶ If a claimant implicates a factor of employment, the Office should then determine whether the evidence of record substantiates that factor.⁷ When the matter asserted is a compensable factor of employment and the evidence of record establishes the truth of the matter asserted, then the Office must base its decision on an analysis of the medical evidence.⁸ Such opinion of the physician must be one of reasonable medical certainty and must be supported by medical reasoning explaining the nature of the relationship between the diagnosed condition and the employment.⁹

ANALYSIS

In its April 19, 2006 decision, the Board determined that appellant established compensable employment factors with respect to his work schedule, which required him to work more than eight hours per day, and his required meeting with Mr. Salter. On July 17, 2006 the Office denied appellant's claim on the grounds that he had not submitted sufficient medical evidence to establish that his condition was causally related to the established employment factors. The Board must review the medical evidence to determine whether appellant sustained an emotional condition due to any of the accepted employment factors.

The Board finds that appellant did not submit sufficient medical evidence to establish that he sustained an emotional condition due to the accepted employment factors. Appellant submitted numerous reports from his treating psychologist, Dr. Koch. A number of these reports contained a diagnosis of post-traumatic stress disorder. To the extent that Dr. Koch's reports failed to express an opinion on the issue of causal relationship, they lack probative value. The Board has long held that medical evidence which does not offer any opinion regarding the cause

⁵ 5 U.S.C. §§ 8101-8193.

⁶ *Lillian Cutler*, 28 ECAB 125, 129 (1976).

⁷ *Margaret S. Krzycki*, 43 ECAB 496 (1992).

⁸ See *Charles D. Edwards*, 55 ECAB 258 (2004). *Tina B. Francis*, 56 ECAB ____ (Docket No. 04-965, issued December 16, 2004); *Norma L. Blank*, 43 ECAB 384, 389-90 (1992).

⁹ *David Apgar*, 57 ECAB ____ (Docket No. 05-1249, issued October 13, 2005); *Leslie C. Moore*, 52 ECAB 132, 134 (2000).

of an employee's condition is of limited probative value on the issue of causal relationship.¹⁰ Other reports reflected Dr. Koch's opinion that appellant's condition was caused by factors of his employment. However, none of his reports contained a rationalized medical opinion explaining how appellant's post-traumatic stress disorder was caused or exacerbated by the accepted employment factors, namely working more than 40 hours per week and being exposed to Mr. Salter. Medical conclusions unsupported by rationale are of little probative value.¹¹

On February 25, 2004 Dr. Koch described appellant's history of injury as "harassment through inappropriate reassignment." On April 1, 2004 Dr. Koch stated that appellant was compelled to stop working on February 20, 2004 due to a violation on the part of the employing establishment, and the failure of his supervisor to recognize his light-duty agreement. On September 27, 2004 Dr. Koch stated that appellant was "precipitously fired on February 20, 2004." Although Dr. Koch suggested an employment-related cause of appellant's claimed condition, these reports did not provide a clear opinion that appellant's stress condition was related to the specific accepted employment factors, rather than to a job transfer, termination, general perceptions of harassment, or events that were not job related.

On April 27, 2004 Dr. Koch opined that the employing establishment's continued violations of medical restrictions and attempts to modify appellant's limited-duty agreement "aggregated, precipitated or accelerated" his post-traumatic stress disorder. These violations included requiring appellant to be present during a meeting with Mr. Salter and requiring him to work more than eight hours per day. Dr. Koch's opinion lacks probative value, in that he did not explain the medical process through which these violations would have been competent to cause the claimed condition.

The Office asked appellant to submit a comprehensive medical report which provided a rationalized opinion explaining how working in excess of 40 hours per week and being exposed to Mr. Salter contributed to his diagnosed condition. In response, on May 22, 2006 Dr. Koch stated that he had provided numerous evaluations supporting his opinion that appellant's post-traumatic stress disorder was caused by factors of his employment. In spite of the Office's specific request, Dr. Koch again failed to explain how the accepted work factors caused or exacerbated appellant's post-traumatic stress disorder.

The Office advised appellant that it was his responsibility to provide a comprehensive medical report which described his symptoms, test results, diagnosis, treatment and doctor's opinion, with medical reasons, on the cause of his condition. Appellant failed to submit appropriate medical documentation in response to the Office's request. As there is no probative, rationalized medical evidence addressing how appellant's claimed condition was caused or aggravated by accepted factors of his employment, appellant has not met his burden of proof to establish that he sustained an emotional condition in the performance of duty causally related to factors of employment. The Board, therefore, affirms the Office's July 17, 2006 decision.

¹⁰ *Dennis M. Mascarenas*, 49 ECAB 215 (1997).

¹¹ *Willa M. Frazier*, 55 ECAB 379 (2004).

CONCLUSION

The medical evidence in this case is not sufficiently rationalized to establish that appellant sustained an emotional condition due to accepted factors of employment.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated July 17, 2006 is affirmed.

Issued: December 13, 2006
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

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

James A. Haynes, Alternate Judge
Employees' Compensation Appeals Board