

October 26, 2006. In reports dated October 25 and 26, 2006, Dr. Shashikant J. Patel, a Board-certified internist, advised that appellant was seen on October 25, 2006. He described a history that appellant was held at gunpoint, diagnosed depression, anxiety and post-traumatic stress disorder and opined that appellant could have long-term post-traumatic stress disorder from the event. Dr. Patel checked a “yes” box, indicating that the diagnosed conditions were employment related. He recommended counseling and advised that appellant should be off work until November 2, 2006.

By letter dated October 31, 2006, the Office informed appellant of the evidence needed to support his claim, which was to include a medical explanation from his physician as to how the employment incident caused his condition.

Appellant submitted a police report dated October 24, 2006, which described the attempted robbery. In a duty status report dated November 6, 2006, Dr. Patel reiterated his diagnoses, stated that appellant’s anxiety was due to the October 24, 2006 injury and advised that he could return to his regular duties.

In a decision dated December 11, 2006, the Office denied the claim. The Office found that the medical evidence was insufficient to establish that appellant sustained an employment injury from the accepted October 24, 2006 attempted robbery.

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees’ Compensation Act² has the burden of establishing the essential elements of his or her claim including the fact that the individual is an employee of the United States within the meaning of the Act, that the claim was timely filed within the applicable time limitation period of the Act, that an injury was sustained in the performance of duty as alleged and that any disability and/or specific condition for which compensation is claimed are causally related to the employment injury. Regardless of whether the asserted claim involves traumatic injury or occupational disease, an employee must satisfy this burden of proof.³

Office regulations, at 20 C.F.R. § 10.5(ee) define a traumatic injury as a condition of the body caused by a specific event or incident or series of events or incidents within a single workday or shift.⁴ To determine whether an employee sustained a traumatic injury in the performance of duty, the Office must determine whether “fact of injury” is established. First, an employee has the burden of demonstrating the occurrence of an injury at the time, place and in the manner alleged, by a preponderance of the reliable, probative and substantial evidence. Second, the employee must submit sufficient evidence, generally only in the form of medical evidence, to establish a causal relationship between the employment incident and the alleged disability and/or condition for which compensation is claimed. An employee may establish that

² 5 U.S.C. §§ 8101-8193.

³ *Gary J. Watling*, 52 ECAB 278 (2001).

⁴ 20 C.F.R. § 10.5(ee); *Ellen L. Noble*, 55 ECAB 530 (2004).

the employment incident occurred as alleged, but fail to show that his or her disability and/or condition relates to the employment incident.⁵

To establish appellant's claim that he sustained an emotional condition in the performance of duty, he must submit the following: (1) medical evidence establishing that he has an emotional or psychiatric disorder; (2) factual evidence identifying employment factors or incidents alleged to have caused or contributed to his condition; and (3) rationalized medical opinion evidence establishing that the identified compensable employment factors are causally related to his emotional condition.⁶

Causal relationship is a medical issue and the medical evidence required to establish a causal relationship is rationalized medical evidence.⁷ Rationalized medical evidence is medical evidence which includes a physician's rationalized medical opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant, 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.⁸ Neither the mere fact that a disease or condition manifests itself during a period of employment nor the belief that the disease or condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.⁹

ANALYSIS

On October 24, 2006 an attempted robbery occurred while appellant was in the performance of his duties as a letter carrier. The Board finds that appellant has failed to meet his burden of proof to establish an emotional condition causally related to the October 24, 2006 work incident. The only medical evidence of record are the reports dated October 25 and 26 and November 6, 2006 of Dr. Patel, a Board-certified internist, who reported a history of injury consistent with the attempted robbery at gunpoint on October 24, 2006 and diagnosed of depression, anxiety and post-traumatic stress disorder which he related to the October 24, 2006 incident. However, Dr. Patel did not offer any medical narrative explaining how the conditions he diagnosed were caused or contributed to by the accepted incident. A mere conclusion without the necessary medical rationale explaining how and why the physician believes that the accepted work incident resulted in a diagnosed condition is not sufficient to meet appellant's burden of proof.¹⁰ The record does not contain any opinion from a specialist in mental health such as a

⁵ Gary J. Watling, *supra* note 3.

⁶ Leslie C. Moore, 52 ECAB 132 (2000).

⁷ Jacqueline M. Nixon-Steward, 52 ECAB 140 (2000).

⁸ Leslie C. Moore, *supra* note 6; Gary L. Fowler, 45 ECAB 365 (1994).

⁹ Dennis M. Mascarenas, 49 ECAB 215 (1997).

¹⁰ Albert C. Brown, 52 ECAB 152 (2000).

psychiatrist or clinical psychologist pertaining to the claimed emotional condition. The opinion of a physician whose specialty is not in a germane area of medicine is of diminished weight.¹¹ Dr. Patel merely checked a box on a form to indicate that the diagnosed conditions were employment related. There is no evidence of record to indicate that appellant followed Dr. Patel's recommendation that he seek counseling. Due to the foregoing deficiencies, appellant has not established that his diagnosed emotional condition was caused by the October 24, 2006 employment incident.

CONCLUSION

The Board finds that appellant failed to meet his burden of proof to establish that his emotional condition was caused by the October 24, 2006 work incident.

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated December 11, 2006 be affirmed.

Issued: July 17, 2007
Washington, DC

David S. Gerson, Judge
Employees' Compensation Appeals Board

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

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

¹¹ *Beverly A. Spencer*, 55 ECAB 501 (2004).