

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

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M.H., Appellant

and

**DEPARTMENT OF VETERANS AFFAIRS,  
VETERANS ADMINISTRATION MEDICAL  
CENTER, Gallup, NM, Employer**

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**Docket No. 07-1453  
Issued: October 18, 2007**

*Appearances:*

*Appellant, pro se*

*Office of Solicitor, for the Director*

*Case Submitted on the Record*

**DECISION AND ORDER**

Before:

ALEC J. KOROMILAS, Chief Judge  
MICHAEL E. GROOM, Alternate Judge  
JAMES A. HAYNES, Alternate Judge

**JURISDICTION**

On May 7, 2007 appellant filed a timely appeal from the Office of Workers' Compensation Programs' December 27, 2006 and April 11, 2007 merit decisions denying her claim for an employment-related cardiac condition. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3(d)(2), the Board has jurisdiction over the merits of this case.

**ISSUE**

The issue is whether appellant met her burden of proof to establish that she sustained a cardiac condition in the performance of duty.

**FACTUAL HISTORY**

On October 3, 2006 appellant, then a 53-year-old patient services assistant, filed an occupational disease claim (Form CA-2) alleging that she sustained an employment-related injury.<sup>1</sup> Regarding the nature of the condition, she stated: "Never had any problem [un]til I got

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<sup>1</sup> The claim bears the file number 16-2117085.

[post-traumatic stress disorder], now heart.” Regarding the relationship of the condition to her employment, she noted: “On September 19, 2006 at [1:30] p.m. I notice my heart was racing and got panic, sweating back of my neck. Work all day next day, I work [un]til noon and September 20, 2006 went to [emergency room] and got admitt[ed] 24 [hour].” Appellant first became aware of her claimed condition and its relationship to her employment on September 19, 2006.<sup>2</sup>

Appellant submitted a report of accident form completed by Sidney Cowan, her supervisor, who indicated that on September 19, 2006 appellant, who worked as a receptionist, noted that she was feeling “exhausted and weak” to an employing establishment nurse. Mr. Cowan stated that appellant stayed through the day at the reception desk, but reported on September 20, 2006 that her “heart was racing” and that she felt nauseated. He stated that appellant was admitted to a hospital for overnight observation and treatment. Mr. Cowan noted that appellant was being actively treated for post-traumatic stress disorder (PTSD).<sup>3</sup> Appellant submitted numerous records regarding her medical treatment on September 20 and 21, 2006. The records did not indicate that she implicated any incidents or conditions at work which she felt were related to her cardiac problems.

On October 18, 2006 the Office requested that appellant submit additional factual and medical evidence in support of her claim, including a detailed statement describing the specific incidents and conditions at work which she believed caused or aggravated her claimed cardiac condition.<sup>4</sup>

Mr. Cowan provided an October 31, 2006 statement entitled “Additional Information for CA-2 -- Date of Injury September 19, 2006.” He described appellant’s job as a patient services assistant. The job included such duties as collecting and processing medical and administrative records, conducting interviews with customers to determine eligibility for medical benefits and responding to customers’ requests for information. Mr. Cowan indicated that appellant did not work overtime or provide cover when coworkers were absent and stated that he believed that her unsatisfactory performance rating for the period March 31, 2005 to April 1, 2006 was possibly related to her diagnosis of PTSD. The record also contains an undated statement entitled “Evidence Required in Support of a Claim for Work-Related Psychiatric Illness” which was completed by an unidentified individual.<sup>5</sup> The document indicated that appellant claimed in a (Form CA-35G) that she had witnessed the aftermath of a patient’s suicide at work in

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<sup>2</sup> Regarding the place of the injury, appellant stated: “Working a front desk.” She did not identify any work duties that she was performing at the time.

<sup>3</sup> Mr. Cowan provided a less detailed account of these events in a document completed on September 25, 2006. The record also contains a general description of the position of patient services assistant.

<sup>4</sup> The Office also requested that the employing establishment provide information regarding appellant’s job, including aspects of the job that might be considered particularly stressful.

<sup>5</sup> The document contains some content which is very similar to that contained in Mr. Cowan’s October 31, 2006 statement. The record also contains an April 24, 2006 document in which Mr. Cowan indicated that appellant witnessed a patient shoot himself a “few years ago.”

December 2001 and that she was told about the suicide of another patient which occurred around October 2001.<sup>6</sup>

In a December 27, 2006 decision, the Office denied appellant's claim on the grounds that she had not established any employment factors which she believed caused or aggravated her claimed cardiac condition. The Office stated: "The evidence submitted is insufficient to establish that the event(s) occurred as alleged. You did not describe any specific work-related exposure that occurred."

On January 21, 2007 appellant requested reconsideration of the Office's December 27, 2006 decision. She submitted a January 31, 2007 letter, in which Dr. Heather Carlberg, an attending Board-certified psychiatrist, stated that appellant was treated at the mental health center of the Fort Defiance Indian Hospital during the past year for PTSD "as a result of the trauma she experienced in the workplace." In an April 11, 2007 decision, the Office affirmed its December 27, 2006 decision.

### **LEGAL PRECEDENT**

An employee seeking benefits under the Federal Employees' Compensation Act<sup>7</sup> has the burden of establishing the essential elements of 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.<sup>8</sup> These are the essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.<sup>9</sup>

To establish that an injury was sustained in the performance of duty in a traumatic injury or occupational disease claim, 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 employment factors identified by the claimant were the proximate cause of the condition for which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.<sup>10</sup> The medical evidence required to establish a causal relationship is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical

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<sup>6</sup> The record contains medical records, dated between May and October 2006, which indicate that appellant has been diagnosed with post-traumatic stress syndrome. Some of the records indicate that appellant reported being traumatized by suicides in October and December 2001.

<sup>7</sup> 5 U.S.C. §§ 8101-8193.

<sup>8</sup> *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

<sup>9</sup> See *Delores C. Ellyett*, 41 ECAB 992, 994 (1990); *Ruthie M. Evans*, 41 ECAB 416, 423-25 (1990).

<sup>10</sup> *Victor J. Woodhams*, 41 ECAB 345, 351-52 (1989).

evidence which includes a physician's rationalized opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors.<sup>11</sup>

## ANALYSIS

Appellant alleged that on September 19, 2006 she sustained an employment injury because she noticed that her heart was "racing" while she was at work on that date. The Board finds that appellant did not meet her burden of proof to establish the existence of any employment factors which she believed caused or aggravated her claimed cardiac condition.

As noted, a claimant is required to submit a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of a claimed disease or condition.<sup>12</sup> Although the Office provided her with several opportunities to do so, appellant did not provide a statement which clearly identified these incidents or conditions at work which she believed caused or aggravated her claimed condition.

The record contains a report of accident form completed by Mr. Cowan, her supervisor. On September 19, 2006 appellant who worked as a receptionist, noted that she was feeling exhausted and weak to an employing establishment nurse. Mr. Cowan stated that she stayed through the day at the reception desk, but reported on September 20, 2006 that her heart was racing and that she felt nauseated. He provided an October 31, 2006 statement, which provided a description of appellant's job as a patient services assistant. However, these documents do not provide any insight into which incidents or conditions appellant believed caused or aggravated her cardiac condition. It is appellant's responsibility to submit a statement describing those employment factors. The documents of Mr. Cowan do not serve this purpose. She only indicated that she noticed that her heart was racing on September 19, 2006 but did not provide any additional information about what aspects of her employment she believed caused her heart to race. Appellant indicated that she was working on September 19 and 20, 2006 but she did not implicate any particular duties.<sup>13</sup>

The record also contains an undated statement entitled "Evidence Required in Support of a Claim for Work-Related Psychiatric Illness" which was presumably completed by Mr. Cowan.<sup>14</sup> The document indicated that appellant claimed in a CA-35G form that she had witnessed the aftermath of a patient's suicide at work in December 2001 and that she was told about the suicide of another patient which occurred around October 2001. This document would not serve to establish the existence of employment factors on or about September 19

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<sup>11</sup> *Id.*

<sup>12</sup> See *supra* note 10 and accompanying text.

<sup>13</sup> Appellant submitted numerous records regarding her medical treatment on September 20 and 21, 2006, but the records did not indicate that she implicated any incidents or conditions at work which she felt were related to her cardiac problems.

<sup>14</sup> The document is very similar to Mr. Cowan's October 31, 2006 statement.

and 20, 2006. In fact, this document appears to pertain to a different claim appellant had filed earlier for an employment-related emotional condition.<sup>15</sup>

Because appellant did not meet her burden of proof to establish the existence of any employment factors which she believed caused or aggravated her claimed cardiac condition, the Office properly denied her claim for an employment-related condition.

### **CONCLUSION**

The Board finds that appellant did not meet her burden of proof that she sustained a cardiac condition in the performance of duty.

### **ORDER**

**IT IS HEREBY ORDERED THAT** the Office of Workers' Compensation Programs' April 11, 2007 and December 27, 2006 decisions are affirmed.

Issued: October 18, 2007  
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

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<sup>15</sup> This emotional condition claim appears to bear the file number 16-2110095. The record contains medical records, dated between May 2006 and January 2007, which indicate that appellant has been diagnosed with PTSD and that she reported being traumatized by suicides in October and December 2001. None of these medical reports relate to the cardiac condition claimed in the present claim.