

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

P.H., Appellant

and

**U.S. POSTAL SERVICE, BULK MAIL
CENTER, Denver, CO, Employer**

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**Docket No. 11-1670
Issued: August 16, 2012**

Appearances:

John S. Evangelisti, Esq., for the appellant

No appearance, for the Director

Oral Argument January 11, 2012

DECISION AND ORDER

Before:

RICHARD J. DASCHBACH, Chief Judge

MICHAEL E. GROOM, Alternate Judge

JAMES A. HAYNES, Alternate Judge

JURISDICTION

On July 8, 2011 appellant's counsel timely appealed from the May 16, 2011 merit decision of the Office of Workers' Compensation Programs (OWCP), which affirmed the denial of wage-loss compensation beginning March 25, 2000. Pursuant to the Federal Employees' Compensation Act¹ (FECA) and 20 C.F.R. §§ 501.2(c) and 501.3 (2011), the Board has jurisdiction over the merits of this case.²

ISSUE

The issue is whether appellant's claimed disability beginning March 25, 2000 is causally related to her July 12, 1999 employment injury.

¹ 5 U.S.C. §§ 8101-8193 (2006).

² The current record includes additional evidence received after OWCP issued its May 16, 2011 decision. The Board is precluded from considering this evidence for the first time on appeal. 20 C.F.R. § 501.2(c)(1).

FACTUAL HISTORY

This case has previously been before the Board. Appellant, a 57-year-old distribution clerk, has an accepted claim for post-traumatic stress disorder (PTSD), which arose on July 12, 1999. Her injury resulted from an altercation with her then-supervisor, Kristine L. Prusak.³ Appellant received continuation of pay followed by appropriate wage-loss compensation. As a precondition to resuming work, the employing establishment agreed to transfer her to a different facility than Ms. Prusak. On October 25, 1999 appellant returned to work, having been reassigned to the Priority Mail Annex, Aurora, CO.

On March 24, 2000 appellant was involved in a workplace incident with Ed Loffredo, an attendance control supervisor, who allegedly yelled at her and waved his arms in a threatening manner after she approached him to sign a note she had written. The note pertained to certain forms she needed to submit for her workers' compensation claim.⁴ Mr. Loffredo refused to sign appellant's note and allegedly told her that he did not care whether her paycheck was correct.⁵ Appellant claimed she had to get away from Mr. Loffredo because she thought he was going to physically hurt her. She went to a local emergency room (ER) where she was treated for acute anxiety reaction. The ER attending physician indicated that appellant's condition was due to "a combination of not taking her medications ... and having an argument with her boss." Appellant stopped work on March 25, 2000 and has yet to return.

The March 24, 2000 incident was adjudicated as a traumatic injury claim, an occupational disease claim (xxxxxx296), a recurrence of appellant's July 12, 1999 employment

³ OWCP accepted that on July 12, 1999 appellant had a heavy load of mail and she requested assistance from Ms. Prusak, who responded "Too bad." Appellant later received some assistance, but she did not complete her assignment until after her lunch break. When Ms. Prusak returned, she yelled at appellant because she failed to advise her of the late dispatches. She also used profanity and verbally threatened appellant. Later that day, Ms. Prusak continued her verbal assault while appellant waited outside the operations manager's office to report the earlier incident. Appellant contacted the Postal Service police. After taking statements, the police declined to intervene because they considered the incident an "administrative problem."

⁴ Appellant's March 24, 2000 note stated in relevant part: "I Daniel Kuenz ... along with Ed Lafreydo (sic) ... have instructed [appellant], she must fill out forms CA-7..., CA-20... and CA-7a.... This will be done for each pay period of leave without pay for continuation of pay."

⁵ In an April 11, 2000 statement, Mr. Loffredo indicated that appellant approached him on the evening of March 24, 2000 as he stood outside the attendance office, adjacent to the break room. Appellant asked that he sign a piece of paper. She reportedly held the paper on the wall and attempted to hand Mr. Loffredo a pen to sign with. Mr. Loffredo stated that he was aware of appellant's nervousness around supervisors, so he was cautious not to take a threatening stance. He stated that he kept his hands in his pockets and used a soothing voice. Mr. Loffredo did not reach for appellant's pen and his hands remained in his pockets while he read the paper she held up against the wall. According to him, the paper stated that "[he] was requiring [appellant] to do things [and] ordering her on what to do." Mr. Loffredo stated that he told appellant that he was not going to sign the paper. He reportedly explained to her that he was just trying to make sure her paperwork was submitted properly, but he was not ordering or telling her to do anything. Appellant then stated that she needed the note for her locker so that she would not forget. Mr. Loffredo responded that, if all she needed was a reminder, he would help her prepare a list of things to do each pay period, but he would not sign her paper. Appellant replied, "You don't understand." She then turned and walked away.

injury and most recently as a consequential injury.⁶ The Board addressed both the claimed recurrence of disability and the question of whether appellant sustained a consequential injury. By decision dated December 30, 2005, the Board affirmed OWCP's denial of appellant's claim for recurrence of disability beginning March 25, 2000.⁷ When the case was last on appeal in 2009, the Board found that appellant had not established a consequential injury. Appellant failed to demonstrate that her claimed disability beginning March 25, 2000 was causally related to her July 12, 1999 employment-related PTSD.⁸ Accordingly, the Board affirmed OWCP's April 14, 2008 decision.⁹ The Board's prior decisions are incorporated herein by reference.

On January 21, 2010 appellant's counsel requested reconsideration before OWCP. He submitted two reports from appellant's former psychologist, Susan B. Rutherford, Psy.D., a licensed clinical psychologist. Counsel also submitted a January 22, 2010 report from appellant's psychiatrist, Dr. Dorothy E. Faris.¹⁰

Dr. Rutherford first examined appellant on January 27, 2000 and treated her on a regular basis through December 12, 2007, at which time Dr. Rutherford retired. In the prior appeal, the Board questioned Dr. Rutherford's February 20, 2008 characterization of the March 24, 2000 incident with Mr. Loffredo as an "identical trigger" of the July 12, 1999 incident involving Ms. Prusak. Dr. Rutherford had earlier characterized the March 24, 2000 incident as a "traumatizing incident." Because of the noted inconsistencies and an apparent limited understanding of the facts, the Board found her February 20, 2008 opinion insufficient to establish a consequential injury. Counsel subsequently asked Dr. Rutherford to address the incidents.

⁶ OWCP combined case number (xxxxxx296) with the current claim (xxxxxx073). The July 12, 1999 injury claim has been designated the master file.

⁷ Docket No. 04-1480 (issued December 30, 2005). A recurrence of disability means an inability to work after an employee has returned to work, caused by a spontaneous change in a medical condition, which resulted from a previous injury or illness without an intervening injury or new exposure to the work environment that caused the illness. 20 C.F.R. § 10.5(x). In the December 30, 2005 decision, the Board found that appellant's claimed disability beginning March 25, 2000 was not the result of a "spontaneous change" in her medical condition. Additionally, the Board held that the March 24, 2000 encounter with Mr. Loffredo, which appellant initially alleged was the sole cause of her disability beginning March 25, 2000, constituted a new exposure to the work environment.

⁸ The Board considered various reports and testimony from appellant's psychiatrist and psychologist, but found their respective opinions insufficient because they were based on an inaccurate and/or incomplete factual history and lacked adequate rationale.

⁹ Docket No. 08-1872 (issued June 2, 2009). By order dated December 1, 2009, the Board denied reconsideration of its June 2, 2009 decision.

¹⁰ In addition to the above-noted reports, the record developed subsequent to the hearing representative's April 14, 2008 decision included various treatment notes from appellant's current therapist, Virginia H. Poor, a licensed clinical social worker (LCSW). Certain healthcare providers, such as physician assistants, nurse practitioners, physical therapists and social workers, are not considered "physician[s]" as defined under FECA. 5 U.S.C. § 8101(2); 20 C.F.R. § 10.5(t). Consequently, their medical findings and/or opinions will not suffice for purposes of establishing entitlement under FECA. *K.W.*, 59 ECAB 271, 279 (2007); *David P. Sawchuk*, 57 ECAB 316, 320 n.11 (2006). As an LCSW, Ms. Poor is not deemed competent under FECA to offer a medical opinion and therefore, her treatment notes are of limited probative value. *K.W.*, 59 ECAB at 279. While clinical psychologists may serve as physicians under FECA, *see* 20 C.F.R. § 10.312, similar recognition has not been extended to LCSW.

In a January 18, 2010 report, Dr. Rutherford stated that the March 24, 2000 interaction with Mr. Loffredo clearly triggered a panic attack. She explained that the panic attack was a symptom of PTSD, which was caused by the original July 12, 1999 event. Dr. Rutherford further explained that the March 24, 2000 incident was not a new cause of PTSD, but rather a worsening of the original PTSD. Referencing the *Diagnostic and Statistical Manual of Mental Disorders* (4th ed., Text Rev. 2000) (DSM-IV), she noted that triggers “resemble or symbolize an aspect of the traumatic event.” She also noted that “[i]ntense psychological distress ... or physiological reactivity ... often occurs when the person is exposed to triggering events that resemble or symbolize an aspect of the traumatic event....”¹¹

With respect to the differing version of events as portrayed by appellant and Mr. Loffredo, Dr. Rutherford stated that resolving their conflicting statements was unnecessary. She explained that, regardless of which version was correct, from appellant’s perspective the March 24, 2000 incident either “resembled” the original July 12, 1999 event or “symbolized” the prior traumatic event. Dr. Rutherford stated that the March 24, 2000 incident triggered intense feelings of powerlessness, which was a significant component of PTSD. Appellant’s anxiety was reportedly retriggered by the victimization she felt she experienced on July 12, 1999 when she asked for help and was “refused in a very abusive way.” Dr. Rutherford noted that very few months passed between the two events and the trigger was that appellant asked her supervisor for help and was refused. In turn, this triggered the emotions surrounding the original event and caused appellant to quickly decompensate.

After a more than two-year hiatus, Dr. Rutherford conducted a follow-up examination on January 27, 2010. She found no change in appellant’s functional capacity since their last encounter. Dr. Rutherford stated that appellant had an ongoing diagnosis of PTSD due to work-related trauma. She further noted that appellant was permanently disabled because of it and could not work under any circumstances.

In a January 22, 2010 report, Dr. Faris quoted the DSM-IV and explained how the March 24, 2000 incident triggered a worsening of appellant’s PTSD. She did not reexamine appellant. Dr. Faris indicated that appellant’s interaction with Mr. Loffredo triggered a reexperiencing of the emotions and fear that occurred during the July 12, 1999 incident when appellant felt verbally and physically threatened by her then-supervisor, Ms. Prusak. She also stated that, despite the varying accounts of the March 24, 2000 incident, she still believed that this interaction triggered a worsening of appellant’s PTSD. Referencing the DSM-IV, Dr. Faris explained that the triggering event may only symbolize an aspect of the traumatic event and did not have to be similar to the original event. She further explained that the trigger could be a completely benign event or circumstance, but it is perceived as threatening to appellant because it symbolizes the original trauma. In appellant’s case, the March 24, 2000 interaction with Mr. Loffredo symbolized the original threatening interaction with Ms. Prusak. Dr. Faris noted that both events occurred in a similar workplace and while appellant was speaking with a supervisor requesting help. She also noted that appellant was already anxious before her interaction with Mr. Loffredo, as she feared that she would not complete the paperwork correctly

¹¹ The above-quoted passage included examples of triggering events such as “anniversaries of the traumatic event; cold, snowy weather or uniformed guards for survivors of death camps in cold climates, hot, humid weather for combat veterans of the South Pacific; entering an elevator for a woman who was raped in an elevator.”

and get paid. Dr. Faris stated that, when Mr. Loffredo was unable to help appellant by signing the form, whether he was harsh in his refusal or not, the interaction symbolized appellant's earlier struggle with Ms. Prusak. She believed that the March 24, 2000 interaction caused appellant to reexperience the earlier event and have psychological and physical distress. Dr. Faris further noted that, according to the DSM-IV, a trigger for PTSD can be as nonspecific as a change in the weather and in appellant's case, an unfavorable interaction with a superior in her workplace triggered a worsening of her PTSD.

OWCP prepared an April 1, 2010 amended statement of accepted facts (SOAF) and referred appellant for a second opinion evaluation by Dr. Randolph W. Pock, a Board-certified psychiatrist. It advised Dr. Pock that the SOAF should serve as his sole reference for accepted work events and it should form the basis for his opinion on causal relationship.¹² OWCP further indicated that he should consider only the factors identified as being "related to the employee's duties." The April 1, 2010 SOAF incorrectly identified appellant's accepted July 12, 1999 employment injury as "temporary aggravation" of PTSD.

Dr. Pock examined appellant on April 23, 2010. He also reviewed prior medical records, including the January 2010 reports from Dr. Rutherford and Dr. Faris.¹³ In his April 29, 2010 report, Dr. Pock noted his agreement with the diagnosis of PTSD dating back approximately 11 years. He also agreed with the current treatment regimen that included psychotherapy and aggressive medication intervention. Dr. Pock found that appellant's July 12, 1999 injury had not resolved and because her symptoms had persisted since the original injury, it was not a "temporary aggravation," but instead a permanent condition. He also stated that, based on the SOAF and OWCP's instructions, he could not find grounds for either a consequential injury or an intervening injury.¹⁴ Dr. Pock noted that appellant's symptoms were profound and she was nearly unable to tolerate his evaluation. He concluded "without ... question" that she was unable to work at her original job or any other job. After an 11-year history of ongoing symptoms, Dr. Pock saw no reason to think appellant's symptoms would improve in the future. He further indicated that, should OWCP reconsider its current SOAF, specifically regarding events alleged by appellant regarding Mr. Loffredo, he would reconsider his opinion.

¹² The SOAF identified events considered to have been factually established and those allegations that were not established. Of the events considered to have been established, it further distinguished those events that were considered to be related to appellant's employment duties and those that were not. OWCP identified the July 12, 1999 incident with Ms. Prusak as the sole event considered to be related to appellant's employment duties. As to the March 24, 2000 incident with Mr. Loffredo, the SOAF indicated that he "refused to sign [appellant's] personal note used as a reminder ... of steps required to file FECA forms...." This latter incident fell under the heading of events "NOT" considered to be directly related to the employee's duties. According to the SOAF, appellant failed to establish that Mr. Loffredo "waved his arms and yelled at her when she persistently pursued his signature on personal notes."

¹³ Dr. Pock also noted that appellant's current therapist, Ms. Poor, had left him a telephone message on April 22, 2010 regarding appellant's ongoing PTSD that was reportedly "triggered by her experience at the [employing establishment]."

¹⁴ Dr. Pock commented that it was "striking" that the SOAF had "not deemed any specific event whatsoever with Mr. Loffredo or other supervisor as related to the employee's duties (factors of employment), but has found all allegations by [appellant] concerning Mr. Loffredo to be either 'not considered to be directly related to the employee's duties' or 'allegations not established.'"

By decision dated May 26, 2010, OWCP found that appellant had not established a March 24, 2000 consequential injury and thus, denied modification.

Appellant's counsel deposed Dr. Pock on July 21, 2010 and submitted a copy of the deposition in conjunction with a February 8, 2011 request for reconsideration. During the July 21, 2010 deposition, appellant's counsel asked Dr. Pock to take into account 11 events identified in the latest SOAF as having been established factually, but deemed not directly related to appellant's employment duties. The first among the 11 events was Mr. Loffredo's March 24, 2000 "[refusal] to sign [appellant's] personal note..."¹⁵ During his deposition, Dr. Pock indicated that appellant had a panic attack on March 24, 2000, which was a symptom of her PTSD. He also indicated that all of the identified events that were not considered directly related to her employment duties nonetheless caused her stress. Dr. Pock characterized these events as "life stressors" under DSM-IV and indicated that the cumulative effect of the stress contributed to appellant's March 24, 2000 panic attack. Because of her PTSD, appellant was more vulnerable to stress and she reacted much more strongly regardless of the specifics of the interaction with Mr. Loffredo. Dr. Pock added that the 11 events in and of themselves would not be sufficient to cause PTSD, but in combination with appellant's existing PTSD, they were sufficient to cause her panic attack and subsequent disability.

In a May 16, 2011 decision, OWCP denied modification of the May 26, 2010 decision.

LEGAL PRECEDENT

When an injury arises in the course of employment, every natural consequence that flows from that injury likewise arises out of the employment, unless it is the result of an independent intervening cause attributable to claimant's own intentional misconduct.¹⁶ Thus, a subsequent injury, be it an aggravation of the original injury or a new and distinct injury, is compensable if it is the direct and natural result of a compensable primary injury.¹⁷

ANALYSIS

Appellant's counsel claims that the March 24, 2000 incident with Mr. Loffredo reawakened or triggered her memory of the July 12, 1999 incident with Ms. Prusak and thus, aggravated her PTSD and rendered her totally disabled as of March 25, 2000. The Board has recognized PTSD as a compensable consequential injury under circumstances where a certain

¹⁵ Other events included appellant having felt pressure to return to work on October 25, 1999, stress from completing and filing required OWCP forms, supervisors having lost or failed to submit her timecards, having been shorted on four paychecks between October 1999 and January 2000, the agency failing to process her continuation of pay and claims for compensation, inadequate training for new assignments and management changing appellant's work schedule.

¹⁶ *Mary Poller*, 55 ECAB 483, 487 (2004); 1 Arthur Larson & Lex K. Larson, *Larson's Workers' Compensation Law* 10-1 (2006).

¹⁷ *Susanne W. Underwood (Randall L. Underwood)*, 53 ECAB 139, 141 n.7 (2001).

triggering event has been medically demonstrated to have caused a reawakening or exacerbation of PTSD symptoms.¹⁸

When the case was last on appeal, the Board found that the record as it existed on or before April 14, 2008, was insufficient to establish that appellant sustained a consequential injury on March 24, 2000. The Board previously reviewed various reports from Dr. Faris and Dr. Rutherford, including their prior testimony before the Branch of Hearings & Review. The Board also considered a partial transcript of Dr. Rutherford's February 20, 2008 deposition. The cumulative evidence at the time was insufficient to satisfy appellant's burden of proof. Appellant's counsel has not presented any compelling arguments that would warrant revisiting the Board's June 2, 2009 decision. As such, the Board's current focus is on the relevant medical evidence developed since April 14, 2008.

Both Dr. Faris and Dr. Rutherford characterized the March 24, 2000 incident with Mr. Loffredo as a trigger of the July 12, 1999 incident with Ms. Prusak. OWCP accepted that on March 24, 2000 Mr. Loffredo "refused to sign [appellant's] personal note used as a reminder ... of steps required to file FECA forms..." It also found that she had not established that Mr. Loffredo "waved his arms and yelled at her when she persistently pursued his signature on personal notes." According to both physicians, it was unnecessary to resolve the discrepancy between appellant's version of events and Mr. Loffredo's version because the triggering event need only resemble or symbolize the prior traumatic event. Each cited the DSM-IV for the proposition that "[i]ntense psychological distress ... or physiological reactivity ... often occurs when the person is exposed to triggering events that resemble or symbolize an aspect of the traumatic event..." Both Dr. Faris and Dr. Rutherford effectively reduced the triggering event to any workplace incident involving a supervisor who refused appellant's request.

In a January 18, 2010 report, Dr. Rutherford indicated that regardless of whose version of events one accepts, the March 24, 2000 incident either "resembled" or "symbolized" the original July 12, 1999 event with Ms. Prusak. She explained that the March 24, 2000 incident triggered intense feelings of powerlessness, which she described as a significant component of PTSD. Appellant's anxiety was reportedly retriggered by the victimization she felt she experienced. Dr. Rutherford noted that in the original July 12, 1999 traumatic event appellant asked for help and was "refused in a very abusive way." In the March 24, 2000 event, appellant asked Mr. Loffredo for help and he "also refused..." Dr. Rutherford found it noteworthy that "there were very few months between these two events." According to her, the trigger was that appellant asked her supervisor for help and was refused.

The Board is not persuaded by Dr. Rutherford's latest opinion. Eight months had elapsed between the two events, not "very few months" and Dr. Rutherford offered no explanation for the significance of any temporal relationship. Whether the March 24, 2000 incident resembled or symbolized the July 12, 1999 employment incident appears to be no more than an exercise in semantics. Dr. Rutherford's statement on causal relation does not adequately resolve the rather significant factual discrepancy. She made no attempt to reconcile her prior characterizations of the March 24, 2000 incident, which included "traumatizing event" and "identical trigger."

¹⁸ *Charlet Garrett Smith*, 47 ECAB 562 (1996).

Despite her stated belief that the March 24, 2000 incident was a trigger of the July 12, 1999 incident, Dr. Rutherford failed to explain how Mr. Loffredo's refusal to sign appellant's note was symbolic of an earlier profanity-laden tirade by Ms. Prusak. Her opinion that Mr. Loffredo's ostensibly benign refusal to sign appellant's personal note the July 12, 1999 incident simply because he too was a supervisor who refused her is not well explained.

Dr. Faris' January 22, 2010 report is similarly insufficient to establish consequential injury. She acknowledged the conflicting accounts of the March 24, 2000 incident, but believed that the interaction between Mr. Loffredo and appellant triggered a worsening of her PTSD. Dr. Faris explained that the triggering event may only symbolize an aspect of the traumatic event and did not have to be similar to the original event. The trigger could be a completely benign event or circumstance that was perceived as threatening to appellant because it symbolized the original trauma. According to Dr. Faris, appellant's interaction with Mr. Loffredo symbolized the original threatening interaction with Ms. Prusak. She explained that both events occurred in a similar workplace setting and in both instances appellant was speaking with a supervisor who she had asked for help. Appellant was reportedly anxious before meeting with Mr. Loffredo and feared she would not complete the paperwork correctly and get paid. Dr. Faris further explained that when he was unable to help appellant by signing the form -- whether harsh in his refusal or not -- the interaction symbolized appellant's earlier struggle with Ms. Prusak. This interaction caused appellant to reexperience the earlier event and have psychological and physical distress.

The Board noted that Mr. Loffredo did not refuse to help appellant complete the forms she needed to file to receive FECA benefits. Mr. Loffredo refused to sign her personal reminder of the list of forms required. Based on Dr. Faris' latest opinion, any supervisor in the workplace who does not accede to a request represents a potential trigger for appellant's PTSD. The reasonableness of appellant's request or the manner in which the supervisor declined the request appears inconsequential. Dr. Faris' opinion recognized no distinction between any polite or rude discourse and verbal or written communications. She also failed to identify the reported similarities in the workplace. The Board notes that the March 24, 2000 incident occurred at a different location than the July 12, 1999 incident.

Neither physician adequately explained how an ostensibly nonthreatening interaction with a supervisor on March 24, 2000 resembled or symbolized the July 12, 1999 traumatic event involving Ms. Prusak. Absent such an explanation, Dr. Faris' and Dr. Rutherford's opinions are insufficient to establish that the otherwise benign March 24, 2000 incident with Mr. Loffredo triggered the July 12, 1999 incident, thus aggravating appellant's PTSD.

In April 2010, OWCP referred appellant to Dr. Pock, a psychiatrist, who diagnosed PTSD and found her totally disabled. However, Dr. Pock did not find a March 24, 2000 consequential injury. Appellant's counsel subsequently deposed Dr. Pock, at which time the physician concluded that several of the employment incidents OWCP found noncompensable had in fact contributed to appellant's March 24, 2000 panic attack and subsequent disability. In his July 21, 2010 deposition, Dr. Pock did not specifically comment on whether appellant sustained a consequential injury on March 24, 2000.

On appeal, appellant's counsel takes issue with the April 1, 2010 SOAF and Dr. Pock's April 29, 2010 report. Assuming *arguendo* that the amended SOAF, OWCP's specific

instructions to Dr. Pock and his April 29, 2010 report are all defective, the perceived deficiencies nonetheless do not overcome the above-noted deficiencies regarding the opinions expressed by Dr. Faris and Dr. Rutherford. Moreover, Dr. Pock's report and subsequent deposition do not support appellant's claimed consequential injury. Appellant bears the burden of establishing a causal relationship between her original injury and her claimed consequential injury, which she has failed to satisfy.¹⁹ Accordingly, the Board finds that OWCP properly denied modification.

CONCLUSION

Appellant failed to establish that her claimed disability beginning March 25, 2000 is causally related to her July 12, 1999 employment injury.

ORDER

IT IS HEREBY ORDERED THAT the May 16, 2011 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: August 16, 2012
Washington, DC

Richard J. Daschbach, Chief Judge
Employees' Compensation Appeals Board

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

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

¹⁹ Federal (FECA) Procedure Manual, Part 2 -- Claims, *Causal Relationship*, Chapter 2.805.6a(2) (June 1995).