

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DORIS BRABHAM and U.S. POSTAL SERVICE,
POST OFFICE, Fort Lauderdale, Fla.

*Docket No. 97-896; Submitted on the Record;
Issued December 28, 1998*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
A. PETER KANJORSKI

The issue is whether appellant has established a causal relationship between her medical condition on or after June 1, 1995, the date she filed a claim for a recurrence of disability, and her accepted January 26, 1994 employment injury.

The Board has duly reviewed the case record and concludes that appellant has not met her burden of proof in this case.

In the present case, the Office of Workers' Compensation Programs accepted that on January 26, 1994 appellant, then a 44-year-old mail handler, sustained a contusion to her right knee when she tripped and fell during the course of her employment duties. Appellant was released to light duty on February 1, 1994, and subsequently returned to work. Appellant returned to her regular duties on April 22, 1994. On June 1, 1995 appellant filed a notice of recurrence of disability alleging that her condition had deteriorated to the point where she required surgery, but she did not stop work. Appellant related her condition to her original injury. The Office denied appellant's June 1, 1995 notice of recurrence of disability by decisions dated November 13, 1995, January 29 and September 6, 1996.

An employee who claims a recurrence of disability due to an accepted employment-related injury has the burden of establishing by the weight of the substantial, reliable and probative evidence that the disability for which she claims compensation is causally related to the accepted injury. This burden of proof requires that a claimant furnish medical evidence from a physician who, on the basis of a complete and accurate factual and medical history, concludes that the disabling condition is causally related to the employment injury and supports that conclusion with sound medical reasoning.¹

¹ *Lourdes Davila*, 45 ECAB 139 (1993).

The medical evidence of record submitted by appellant is insufficient to establish that her medical condition on or after June 1, 1995, is causally related to her accepted January 26, 1994 employment injury. Dr. Michael Feanny, a Board-certified orthopedic surgeon and appellant's treating physician, submitted office progress notes, form reports and several narrative reports to the record. Dr. Feanny first saw appellant on February 1, 1994, at which time he noted that she had sustained a contusion to her right knee. In his report dated February 16, 1994, he stated that the x-rays revealed significant osteoarthritic changes of the patellofemoral joint and revised his diagnosis to a contusion of the right knee superimposed on preexisting patellofemoral arthritis. When he saw appellant on April 22, 1994, he stated that appellant's right knee had "more or less" settled down to its preinjury status, but that she still had patellofemoral arthritis and should therefore avoid repetitive climbing or kneeling. He further stated that she had reached maximum medical improvement and would resume her regular duties at work. Dr. Feanny concluded that unfortunately, as time passed, her condition would likely worsen. In his medical reports dated August 19, 1994, Dr. Feanny noted that appellant's right knee was "status quo." In his report dated April 19, 1995, Dr. Feanny noted that appellant had returned with persistent pain in her right knee due to her arthritis. In a report dated May 11, 1995, he noted that appellant had been involved in a car accident and had injured her left knee, and in his report dated June 1, 1995 he requested authorization for surgery on appellant's right knee.

In support of her claim for a recurrence of disability and in response to the Office's request that appellant submit a rationalized medical report from Dr. Feanny explaining the causal relationship between her accepted right knee contusion and her condition at the time of her recurrence, Dr. Feanny submitted a report dated September 7, 1995, stating:

"In summary, [appellant] had some underlying degenerative osteoarthritis of her patellofemoral joint of her right knee, but had a fall at work which aggravated this, a preexisting condition, and initiated a situation where he knee started to hurt and has continued to hurt on an intermittent basis since then."

In a subsequent report submitted in support of appellant's first request for reconsideration, Dr. Feanny again stated that appellant had preexisting patellofemoral arthritis, but stressed that it was the severe trauma from the work-related fall that caused her ongoing right knee problems. The physician also clarified that appellant's recent motor vehicle accident had not injured her right knee in any way, but instead had injured her left knee.

In his final narrative report dated March 22, 1996, Dr. Feanny again attempted to provide rationale for his conclusion that appellant's right knee condition was causally related to her employment-related fall, and stated:

"The patient's condition is patellofemoral arthritis of her knee aggravated by a fall to the point where her knee had become symptomatic and that she cannot walk, stoop, kneel, lift and push at this point; whereas before her injury she was able to do those activities. So, that she is not on light duty.

It would appear that from the patient's history, the clinical findings, that the patient's worsening of her condition obviously relates to her job-related injury."

While Dr. Feanny has expressed an opinion that appellant's preexisting patellofemoral osteoarthritis was aggravated by her 1994 accepted right knee contusion, he has not provided any rationale for his opinion, other than stating that before the work injury appellant's knee was not painful to her and did not prevent her from performing her usual activities, while after sustaining the right knee contusion, appellant's knee condition deteriorated. However, an opinion that a condition is causally related to an employment injury because the employee was asymptomatic before the injury is insufficient, without supporting rationale, to establish causal relationship.² Furthermore, Dr. Feanny's report does not explain why he believes her condition on or after June 1, 1995, the date appellant filed her claim for a recurrence of disability, is directly related to the employment-related fall, in light of his earlier findings that in April 1994, four months after the accident, appellant's knee had returned to its preinjury status. Neither the fact that the condition became apparent during a period of employment nor the belief that the employment caused or aggravated a condition is sufficient to establish causal relationship.³ Medical reports consisting solely of conclusory statements without supporting rationale are of little probative value.⁴ Therefore, Dr. Feanny's medical reports are insufficient to establish that appellant's medical condition on or after June 1, 1995, the date she filed her claim for a recurrence of disability, is causally related to her accepted January 26, 1994 employment injury.

The decisions of the Office of Workers' Compensation Programs dated September 6 and January 29, 1996 are hereby affirmed.

Dated, Washington, D.C.
December 28, 1998

Michael J. Walsh
Chairman

David S. Gerson
Member

A. Peter Kanjorski
Alternate Member

² *Kimper Lee*, 45 ECAB 565 (1994).

³ *Kathryn Haggerty*, 45 ECAB 383 (1994).

⁴ *William C. Thomas*, 45 ECAB 591 (1994).