

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JELLO D. HARRISON and DEPARTMENT OF HEALTH & HUMAN
SERVICES, NATIONAL INSTITUTES OF HEALTH, Bethesda, Md.

*Docket No. 96-1769; Submitted on the Record;
Issued July 9, 1998*

DECISION and ORDER

Before GEORGE E. RIVERS, MICHAEL E. GROOM,
A. PETER KANJORSKI

The issue is whether appellant has established that she sustained a headache condition causally related to an accepted April 29, 1991 left knee injury or other factors of her federal employment.

In this case, the Office of Workers' Compensation Programs accepted that appellant, then a 35-year-old police officer, sustained a contusion, sprain and internal derangement of the left knee on April 29, 1991 when she slipped and fell, landing on both knees and her right wrist. The Office authorized arthroscopic left knee surgery.¹

Appellant submitted medical records through August 1995 detailing treatment of the left knee necessitated by the April 29, 1991 injury. However, these reports do not mention a head injury, headaches or related symptoms until July 21, 1994, more than three years after the April 29, 1991 injury, when Dr. Walter Sheer, an attending orthopedist, diagnosed muscle contraction headaches and referred appellant to Dr. Taghi Asadi, a neurologist. Dr. Asadi diagnosed tension headaches on August 9, 1994, noting on November 28, 1994 that the headaches were "not directly related" to the April 29, 1991 injury, "but rather indirectly the trauma caused her chronic tension headaches." Dr. Lawrence Whicker, a second neurologist, submitted January 9 and 16, 1995 reports noting the April 29, 1991 injury, and diagnosed muscular tension headaches with no abnormal neurologic findings.

The Board notes that an award of compensation may not be made on the basis of surmise, speculation or appellant's belief of causal relation unsupported by medical evidence.² In order to meet her burden of proof in establishing causal relationship in this case, appellant must submit

¹ Appellant received compensation on the daily rolls beginning in approximately May 1991, and on the periodic rolls beginning December 29, 1991.

² *Ausberto Guzman*, 25 ECAB 362 (1974).

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 employment factors and supports that conclusion with sound medical reasoning.³ The reports of Drs. Asadi, Sheer and Whicker do not contain sufficient medical rationale explaining the pathophysiologic mechanisms whereby the April 29, 1991 left knee injury or other employment factors would cause the claimed headache condition. Without such rationale, appellant cannot meet her burden of proof in establishing a causal relationship between the April 29, 1991 injury and the claimed headache condition.

Thus, after carefully considering the issues involved and the entire case record, the Board finds that the decision of the hearing representative of the Office dated March 28 and finalized March 29, 1996 is in accordance with the facts and law in this case, and hereby adopts the findings and conclusions of the hearing representative, that appellant has not established that she sustained a headache condition causally related to an accepted April 29, 1991 left knee injury or other factors of her federal employment.

The decision of the Office of Workers' Compensation Programs dated March 28 and finalized March 29, 1996 is hereby affirmed.

Dated, Washington, D.C.
July 9, 1998

George E. Rivers
Member

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member

³ See *Nicolea Bruso*, 33 ECAB 1138, 1140 (1982).