U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of PAMALA F. MERNAUGH and DEPARTMENT OF HEALTH & HUMAN SERVICES, HEALTH CARE FINANCING ADMINISTRATION, Baltimore, Md.

Docket No. 96-2098; Submitted on the Record;
Issued June 3, 1998

DECISION and ORDER

Before GEORGE E. RIVERS, DAVID S. GERSON, A. PETER KANJORSKI

The issue is whether appellant's knee condition is causally related to the February 28, 1995 employment injury.

On February 20, 1995 appellant, then a 48-year-old personnel management specialist, filed a claim for a traumatic injury, Form CA-1, alleging that she slipped on the floor, jarring her whole body including her arms and legs and injuring both knees which swelled. By letter dated February 5, 1996, the Office of Workers' Compensation Programs requested additional information from appellant including a physician's opinion supported by medical rationale as to the causal relationship between her disability and the injury as reported.

Appellant subsequently submitted three medical reports dated November 3, November 17 and December 8, 1995 from her treating physician, Dr. Charles Philip Volk, an orthopedic surgeon. In the November 3, 1995 report, Dr. Volk considered appellant's history of injury, performed a physical examination, reviewed x-rays and diagnosed that appellant "probably sustained a contusion and some fat pad irritation in her knee which had been complicated by some patella tilt." He stated:

> "I told [appellant] that I could not entirely relate this to her injuries that she sustained in February and July [in recording appellant's history, Dr.Volk noted that appellant fell on her knee at work in mid-July which aggravated the problem]. We will have to obtain further work-up on this at a particular point in time. I told her that, yes, this could have been complicated by her injuries back in February and we would simply have to obtain more information as time goes by."

In his December 8, 1995 report, Dr. Volk reviewed a magnetic resonance imaging (MRI) scan and opined that it showed a horizontal tear of the posterior horn of the medial meniscus. He recommended surgery to eliminate the meniscus problem.

On March 6, 1996 appellant submitted a claim for a traumatic injury, Form CA-1, dated August 8, 1994 alleging that on August 3, 1994, she slipped on the floor, hitting her left arm and left side on a wooden stand and landing on her right knee. She stated that she bruised her right knee and had multiple strains on the left side in her arm, leg and hip. Appellant did not return to work until August 8, 1994. In a statement dated March 1, 1986, appellant stated that she injured both knees on February 28, 1995 and her right knee on August 3, 1994, and that in the past summer she tripped on her knees while playing miniature golf but did not require treatment. She stated that she did not seek treatment for the February 28, 1995 employment injury until November 3, 1995 because she thought she could control the pain and swelling herself but it "got to a point" that her knee was always swollen and the pain and swelling interfered with her daily activities.

By decision dated March 20, 1996, the Office denied the claim, stating that the evidence of record failed to establish that a condition was causally related to the February 28, 1995 employment injury.

The Board finds that appellant has not established that her right knee condition is causally related to the February 28, 1995 employment injury.

An employee seeking benefits under the Federal Employees' Compensation Act 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 filed within the applicable time limitation 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.[1] These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or occupational disease.[2]

The medical evidence required to establish a causal relationship, generally, is rationalized medical evidence. 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.[3]

In the present case, Dr. Volk's November 3 and December 8, 1995 medical reports are not sufficiently rationalized to establish that appellant's right knee condition is causally related to the February 28, 1995 employment injury. Dr. Volk's diagnosis in his November 3, 1995 report that appellant "probably" sustained a contusion and some fat pad irritation in her knee

[1] *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

[2] *Daniel J. Overfield*, 42 ECAB 718, 721 (1991).

[3] *Ern Reynolds*, 45 ECAB 690, 695 (1994); *Gary L. Fowler*, 45 ECAB 365, 371 (1994).

which had been complicated by some patella tilt is speculative and therefore not probative.[4] Further, his statement that he could not "entirely relate" appellant's knee condition to her "February and July" injuries is not sufficiently rationalized in explaining how appellant's knee condition resulted from her injuries at work.[5] Further, his statement that appellant's knee condition "could have been" complicated by her injuries back in February is also vague and speculative. Dr. Volk's diagnosis in his December 8, 1995 report that an MRI showed that appellant had a horizontal tear of the posterior horn of the medial meniscus does not address a causal relationship between that condition and appellant's February 28, 1995 employment injury and therefore is not probative.[6] Although the Office provided appellant with the opportunity, appellant did not submit the necessary evidence to establish her claim.

Accordingly, the decision of the Office of Workers' Compensation Programs dated March 20, 1996 is hereby affirmed.

Dated, Washington, D.C.
June 3, 1998

George E. Rivers
Member

David S. Gerson
Member

A. Peter Kanjorski
Alternate Member

[4] *See William S. Wright,* 45 ECAB 498, 504 (1994).

[5] *See Ern Reynolds*, *supra* note 3 at 695.

[6] *Id*.