

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of RICHARD L. BLUE and U.S. POSTAL SERVICE,
POST OFFICE, Baton Rouge, La.

*Docket No. 96-2233; Submitted on the Record;
Issued June 2, 1998*

DECISION and ORDER

Before GEORGE E. RIVERS, WILLIE T.C. THOMAS,
BRADLEY T. KNOTT

The issue is whether appellant met his burden of proof in establishing that on March 15, 1996 he sustained a knee injury causally related to factors of his federal employment.

The Board has duly reviewed the case record in the present appeal and finds that the Office of Workers' Compensation Programs properly determined in its May 7, 1996 decision that appellant failed to meet his burden of proof in establishing his claim due to insufficient medical evidence.

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 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 or specific condition for which compensation is claimed is causally related to the employment injury.¹ These are the essential elements of each and every claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.²

There is no dispute that appellant is a federal employee, that he timely filed his claim for compensation benefits, and that he was in the performance of duty when the employment incident occurred. However, the medical evidence is insufficient to establish that appellant sustained an injury due to the March 15, 1996 employment incident³ because it does not contain

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

² The Office's regulations clarify that a traumatic injury refers to injury caused by a specific event or incident or series of incidents occurring within a single workday or work shift whereas occupational disease refers to injury produced by employment factors which occur or are present over a period longer than a single workday or shift; *see* 20 C.F.R. § 10.5(a)(15)(16).

³ Part of a claimant's burden of proof includes the submission of rationalized medical evidence based upon a

a rationalized medical opinion explaining how appellant's left knee condition was caused or aggravated on March 15, 1996. For example, in his medical reports dating from March 20 to April 10, 1996, Dr. Russell Levy, a Board-certified orthopedic surgeon, stated that appellant's injury had occurred when appellant was struck in the left knee by a tray of mail and, after physical examination, diagnosed left knee sprain and chondromalacia patella. However, as the history of injury recorded by Dr. Levy is inconsistent with appellant's statement that he was lifting a tray of mail when he felt a pain in his knee, and as Dr. Levy did not provide a reasoned medical opinion explaining how the employment incident caused, precipitated, accelerated or aggravated the diagnosed condition, his report is of insufficient probative value to establish appellant's claim. The only remaining medical reports are the March 16, 1996 duty status report and March 29, 1996 narrative report of Dr. Charles Linguiti, an internist. Dr. Linguiti gave a history of injury consistent with that provided by appellant, and specifically noted that appellant denied any type of contact trauma. However, Dr. Linguiti did not provide a reasoned opinion that appellant had any condition causally related to factors of appellant's federal employment, but rather stated that both on examination and by x-ray appellant's left knee was found to be entirely within normal limits. Therefore, Dr. Linguiti's opinion is also insufficient to establish appellant's claim.

The Office advised appellant of the type of medical evidence needed to establish his claim but he did not provide such evidence. Consequently, appellant has not submitted sufficient medical evidence to establish that he sustained an employment injury on March 15, 1996. In view of this, appellant has not met his burden of proof in establishing that he sustained an injury in the performance of duty on that date.

complete factual and medical background showing causal relationship between claimed injury and employment factors; see *Mary J. Briggs*, 37 ECAB 578 (1986); *Joseph T. Gulla*, 36 ECAB 516 (1985).

The decision of the Office of Workers' Compensation Programs dated May 7, 1996 is affirmed.

Dated, Washington, D.C.
June 2, 1998

George E. Rivers
Member

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member