

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of AGNES L. JONES and ARCHITECT OF THE CAPITOL,
WORKERS' COMPENSATION OFFICE, Washington, D.C.

*Docket No. 97-780; Submitted on the Record;
Issued October 14, 1998*

DECISION and ORDER

Before WILLIE T.C. THOMAS, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether the Office of Workers' Compensation Programs properly found that appellant failed to meet her burden of proof to establish that her degenerative osteoarthritis condition in her right knee was sustained in the performance of duty.

On February 28, 1996 appellant, a 59-year-old custodial worker, injured her right knee when she picked up a trash bag. Appellant filed a Form CA-1 claim for traumatic injury on February 29, 1996, which the Office accepted for right knee strain.

Dr. Raymond Lucas, a specialist in emergency medicine, examined appellant for her employment injury on February 29, 1996, and in a report dated February 29, 1996, indicated that appellant had a right knee strain and osteoarthritis of the right knee. Dr. Lucas had appellant undergo x-rays which indicated severe degenerative changes at the right knee, with no evidence of bone injury.

Appellant was examined on February 29, March 11 and March 25, 1996 by Dr. Edward Chan, a Board-certified orthopedic surgeon, who completed a Form CA-16 and a Form CA-20 on April 1, 1996, and indicated in both forms that appellant had a history of degenerative joint disease in her right knee which was not caused or aggravated by the February 29, 1996 employment injury. Dr. Chan placed appellant on total disability from February 29 through March 5, 1996 and from March 25 through April 21, 1996.

Appellant filed a Form CA-7 claim for a traumatic injury, claiming compensation for intermittent periods of leave from April 25 through May 8, 1996 and from May 10 through June 30, 1996.

Dr. Chan stated in a report dated May 14, 1996, that x-rays of her right knee done on March 11, 1996 showed advanced degenerative arthritis of the knee with narrowing of the medial joint space. Dr. Chan reiterated the previous diagnosis of severe osteoarthritis of the

right knee, prescribed limitations of no prolonged standing or walking, frequent bending, squatting or kneeling or lifting more than 10 pounds. Dr. Chan concluded that appellant had a permanent condition which did not require reevaluation or authorization for duty status.

By letter dated June 20, 1996, the Office informed appellant that the evidence she submitted was insufficient to establish that her claimed condition/disability for the claimed periods was causally related to her accepted February 28, 1996 employment injury, and requested additional medical evidence to support her claim. The Office requested that appellant submit an additional medical report which confirmed the occurrence of an employment-related injury on February 28, 1996, explained the relationship of her osteoarthritis to the employment injury, and clarified whether her disability for the claimed periods was due to the claimed injury or to the preexisting condition of osteoarthritis of the right knee. The Office advised appellant that she had 30 days to submit the requested evidence. Appellant did not respond to this request within 30 days.

In a decision dated July 31, 1996, the Office denied appellant's claim, finding that appellant failed to submit medical evidence sufficient to demonstrate that the claimed condition or disability was causally related to the February 28, 1996 employment injury.

The Board finds that appellant failed to meet her burden of proof to establish that her degenerative osteoarthritis condition in her right knee was sustained in the performance of duty.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing that 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 and/or specific condition for which compensation is claimed are causally related to the employment injury.² These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.³

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it must first be determined whether a "fact of injury" has been established. First, the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time, place and in the manner alleged.⁴ Second, the employee must submit sufficient evidence, generally only in the form of medical evidence, to establish that the employment incident caused a personal injury.⁵

¹ 5 U.S.C. § 8101 *et seq.*

² *Joe Cameron*, 42 ECAB 153 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

³ *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁴ *John J. Carlone*, 41 ECAB 354 (1989).

⁵ *Id.* For a definition of the term "injury," *see* 20 C.F.R. § 10.5(a)(14).

Appellant has the burden of establishing by the weight of the reliable, probative and substantial evidence that her condition was caused by her employment. As part of this burden she must present rationalized medical opinion evidence, based on a complete factual and medical background, showing causal relation.⁶

Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized opinion on the issue of whether there is a causal relationship between the appellant'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 appellant, 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 appellant.⁷

In the present case, the Office accepted the fact that appellant suffered an injury in the performance of duty on February 28, 1996, and accepted the claim for a right knee strain. Appellant has submitted no medical evidence, however, which indicates that appellant's degenerative osteoarthritis condition in her right knee resulted from the employment incident of February 28, 1996. In this regard, the Board has held that the mere fact that a condition manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two.⁸ Neither the fact that the condition became apparent during a period of employment nor the belief that the condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.⁹ Causal relationship must be substantiated by reasoned medical opinion evidence which is appellant's responsibility to submit. In the instant case, none of the medical reports pertaining to the claimed condition contain any rationalized medical opinion which relates the cause of this claimed condition to the February 28, 1996 employment injury.

The reports from Drs. Lucas and Chan do not constitute sufficient medical evidence demonstrating a causal connection between appellant's February 28, 1996 injury and her degenerative osteoarthritis condition in her right knee. Causal relationship must be established by rationalized medical opinion evidence. The reports from Drs. Lucas and Chan state that appellant had a history of degenerative osteoarthritis condition in her right knee based on examination and x-ray results, and do not indicate that this condition was causally related to the February 28, 1996 employment injury.

As there is no probative, rationalized medical evidence addressing and explaining why her claimed condition and disability were caused by her original injury, appellant has not met her burden of proof in establishing that she sustained a degenerative osteoarthritis condition in her right knee stemming from her accepted February 28, 1996 employment injury.

⁶ *Arlonia B. Taylor*, 44 ECAB 591, 595 (1993).

⁷ *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁸ *See Joe T. Williams*, 44 ECAB 518, 521 (1993).

⁹ *Id.*

The decision of the Office of Workers' Compensation Programs dated July 31, 1996 is hereby affirmed.

Dated, Washington, D.C.
October 14, 1998

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member