

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DONNA H. ANDREWS and DEPARTMENT OF VETERANS AFFAIRS,
VETERANS ADMINISTRATION MEDICAL CENTER, Little Rock, Ark.

*Docket No. 97-526; Submitted on the Record;
Issued September 15, 1998*

DECISION and ORDER

Before GEORGE E. RIVERS, DAVID S. GERSON,
BRADLEY T. KNOTT

The issue is whether appellant has established a right knee condition causally related to her accepted June 9, 1995 injury.

The Board has duly reviewed the case record and concludes that appellant has not established a right knee condition causally related to her accepted employment injury.

In the present case, the Office of Workers' Compensation Programs accepted that appellant sustained a right knee contusion stemming from a fall on June 9, 1995 in the course of her federal employment. On July 17, 1996 appellant filed a notice of recurrence of disability alleging that the pain in her right knee never stopped. Appellant further stated that her walking was limited and that upon walking her knee felt like it would give out. Appellant stated that she fell in January and the knee went backwards. Finally, she stated that she experienced pain in her right knee and in the inside leg muscle.

In support of her claim, appellant submitted a March 12, 1996 report from Dr. Ashley S. Ross, her treating physician and a Board-certified orthopedic surgeon. He stated that he treated appellant for pain in her right hip and right knee. On physical examination, he noted tenderness only in the pes anserin area, but stated that appellant could walk fine. He diagnosed pes anserin bursitis, right knee.

Appellant also submitted a report from Dr. Ross dated March 26, 1996 in which he again treated appellant for right knee pain. His physical examination revealed that appellant could walk fine, but that there was tenderness in the pes anserin bursa area. He again diagnosed pes anserin bursitis, right knee.

On August 14, 1996 the Office requested additional information, including a physician's opinion with supporting explanation addressing the causal relationship between her current

disability/condition and the original injury. Appellant was given 30 days to respond, but she failed to submit additional evidence.

By decision dated September 18, 1995, the Office rejected appellant's claim because the evidence of file failed to demonstrate a causal relationship between the work incident and the claimed condition or disability. In an accompanying memorandum, the Office indicated that the record contained no medical opinion addressing whether appellant's condition was causally related to the original injury on June 9, 1995.

Where appellant claims a recurrence of disability to an accepted employment-related injury, she has the burden of establishing by the weight of the reliable probative evidence that the recurrence of the condition for which she seeks compensation is causally related to the accepted employment injury.¹ As part of this burden, appellant must submit rationalized medical opinion evidence based on a complete and accurate factual and medical background showing a causal relationship between the current condition and the accepted employment-related injury.

In this case, Dr. Ross, appellant's treating physician and a Board-certified orthopedic surgeon, provided the only medical evidence in support of appellant's claim. Dr. Ross, however, failed to address whether appellant's current condition and disability related in any way to her accepted June 9, 1995 injury. Appellant was advised of the deficiency of this evidence, but failed to submit additional medical reports.

The decision of the Office of Workers' Compensation Programs dated September 18, 1996 is, therefore, affirmed.

Dated, Washington, D.C.
September 15, 1998

George E. Rivers
Member

David S. Gerson
Member

Bradley T. Knott
Alternate Member

¹ See *Henry L. Kent*, 34 ECAB 361 (1982); *Dennis E. Twadzik*, 34 ECAB 536 (1983).