

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DONNA L. JONES and U.S. POSTAL SERVICE,
POST OFFICE, Elyria, OH

*Docket No. 00-2831; Submitted on the Record;
Issued June 26, 2001*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
BRADLEY T. KNOTT

The issue is whether the condition of appellant's knees, including the surgeries she underwent on January 14 and March 4, 1997, is causally related to her employment.

This case has previously been on appeal before the Board. By decision dated May 1, 2000, the Board found that appellant had not met her burden of proving that the condition of her knees was causally related to her employment.¹ The Board found that the reports of her attending physician, Dr. Michael G. Hritz, a Board-certified orthopedic surgeon, contained no rationale to support the opinion that twisting at work aggravated the condition of her knees, and that these reports "do not reflect a complete and accurate history of factors of appellant's employment, particularly that the pivoting to which she attributed her condition ended in 1990, six years before his initial report."

By letter dated July 31, 2000, appellant requested reconsideration, and submitted a report dated June 29, 2000 from Dr. Victor Strimbu, a Board-certified orthopedic surgeon who is an associate of Dr. Hritz. In this report Dr. Strimbu reviewed the treatment of appellant's knees rendered by himself and by Dr. Hritz from August 29, 1996 to June 29, 1999. Dr. Strimbu then stated:

"In regard to her current diagnosis for her knees, she has moderate to moderately severe degenerative joint disease or osteoarthritis in both knees. It was Dr. Hritz's medical opinion on August 13, 1997 that this arthritis was aggravated by the work that she was doing with prolonged standing and twisting and I concur with this diagnosis through the course of treatment that I have been giving her. It is not the primary causative factor but should be treated as an aggravation of a preexisting degenerative arthritic condition in both knees. The prognosis for [appellant's] knees is guarded in regard to future treatment."

¹ Docket No. 99-75.

Appellant has the burden of establishing by the weight of the reliable, probative and substantial evidence that her condition was caused or adversely affected 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. The mere fact that a disease manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two. Neither the fact that the disease became apparent during a period of employment, nor the belief of appellant that the disease was caused or aggravated by employment conditions, is sufficient to establish causal relation.²

The Board finds that appellant has not met her burden of proof.

The June 29, 2000 report suffers from the same deficiencies as the reports of Dr. Hritz, which were addressed by the Board on the prior appeal. Dr. Strimbu's report, like those of Dr. Hritz, does not reflect a complete and accurate history of factors of appellant's employment, particularly that the pivoting to which she attributed her condition ended in 1990, seven years before she was seen by Dr. Strimbu. Dr. Strimbu's report also does not contain rationale for the doctor's opinion that prolonged standing and twisting at work aggravated appellant's preexisting degenerative arthritis of the knees. Medical reports not containing rationale on causal relation are entitled to little probative value and are generally insufficient to meet an employee's burden of proof.³

The decision of the Office of Workers' Compensation Programs dated August 9, 2000 is affirmed.

Dated, Washington, DC
June 26, 2001

Michael J. Walsh
Chairman

David S. Gerson
Member

Bradley T. Knott
Alternate Member

² *Froilan Negron Marrero*, 33 ECAB 796 (1982).

³ *Ceferino L. Gonzales*, 32 ECAB 1591 (1981).