



had no tenderness or significant patellofemoral pain. The medical provider indicated that he discussed with appellant the difference between arthritis and a meniscal tear. Appellant had both conditions in the same side of his left knee. The medical provider stated that the history of the left knee condition and the way in which it was healing was more characteristic of mild arthritis.

On March 14, 2007 the Office requested that appellant submit additional evidence within 30 days, including a more detailed description of the March 16, 2006 incident and medical report from a physician containing a diagnosis of his left knee condition and a rationalized explanation as to how the condition was causally related to the alleged March 16, 2006 work incident. Appellant did not respond.

By decision dated April 19, 2007, the Office denied appellant's claim on the grounds that the medical evidence did not establish that the March 16, 2006 incident occurred as alleged or that he sustained a work-related left knee injury on March 16, 2006.

In a letter received by the Office on April 23, 2007, appellant indicated that on March 16, 2006 he was returning to his office after a staff meeting. As he descended the stairs, he was reading his meeting notes when his foot slipped and he fell to the landing. Appellant indicated that he consulted Dr. David Gold in late March 2006 who took x-rays and diagnosed a sprained left knee. He indicated that he had submitted the March 2006 report from Dr. Gold to the Office.<sup>1</sup> On April 27, 2007 appellant requested reconsideration. In a May 15, 2007 memorandum, an employing establishment representative stated that appellant often used the stairs rather than the elevator while going to different floors of the building.

By decision dated July 2, 2007, the Office denied modification of the April 19, 2007 decision. The Office accepted that the March 16, 2006 work incident occurred. However, the medical evidence was not sufficient to establish that appellant sustained a left knee injury as a result of the incident.

### **LEGAL PRECEDENT**

An employee seeking benefits under the Federal Employees' Compensation Act<sup>2</sup> has the burden to establish the essential elements of his 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, that an injury was sustained in the performance of duty as alleged and that any disability or medical condition for which compensation is claimed is causally related to the employment injury.<sup>3</sup>

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it first must be determined whether the "fact of injury" has been established. There are two components involved in establishing the fact of injury. First, the employee must submit sufficient evidence to establish that he actually experienced the

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<sup>1</sup> There is no March 2006 report of record from Dr. Gold.

<sup>2</sup> 5 U.S.C. §§ 8101-8193.

<sup>3</sup> *Elaine Pendleton*, 40 ECAB 1143 (1989).

employment incident at the time, place and in the manner alleged.<sup>4</sup> Second, the employee must submit medical evidence to establish that the employment incident caused a personal injury.<sup>5</sup> An employee may establish that the employment incident occurred as alleged but fail to show that his disability or condition relates to the employment incident.

To establish a causal relationship between a claimant's condition and any attendant disability claimed and the employment event or incident, he must submit rationalized medical opinion evidence based on a complete factual and medical background supporting such a causal relationship. Rationalized medical opinion evidence is medical evidence which includes a physician's 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.<sup>6</sup>

### ANALYSIS

The Board finds that the evidence is insufficient to establish that appellant sustained a left knee injury on March 16, 2006 while in the performance of duty.

Appellant submitted a November 2006 medical report which was unsigned and did not appear on a physician's letterhead. Therefore, it is unclear whether the report was prepared by a physician. The medical provider stated that appellant was examined for ongoing left knee pain and indicated that he discussed with appellant the difference between arthritis and a meniscal tear. He indicated that the circumstances of the left knee injury were more characteristic of mild arthritis. The medical provider did not provide a definite diagnosis of appellant's left knee condition or medical rationale explaining how the left knee condition was causally related to the March 16, 2006 employment incident. Although appellant indicated that he had submitted another medical report in March 2006, there is no such report of record. The Office advised appellant of the medical evidence necessary for establishing a work-related injury but such evidence was not forthcoming. Appellant failed to provide medical evidence containing a history of his left knee condition, a clear diagnosis and a rationalized explanation as to how the diagnosed condition was causally related to the March 16, 2006 employment incident. Therefore, he has failed to establish that he sustained an employment-related left knee injury on March 16, 2006.

### CONCLUSION

The Board finds that appellant failed to establish that he sustained a left knee injury on March 16, 2006 while in the performance of duty.

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<sup>4</sup> *John J. Carlone*, 41 ECAB 354 (1989).

<sup>5</sup> *Shirley A. Temple*, 48 ECAB 404 (1997).

<sup>6</sup> *Gary J. Watling*, 52 ECAB 278 (2001); *Shirley A. Temple*, *supra* note 5.

**ORDER**

**IT IS HEREBY ORDERED THAT** the decisions of the Office of Workers' Compensation Programs dated July 2 and April 19, 2007 are affirmed.

Issued: December 18, 2007  
Washington, DC

Alec J. Koromilas, Chief Judge  
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge  
Employees' Compensation Appeals Board

James A. Haynes, Alternate Judge  
Employees' Compensation Appeals Board