

**United States Department of Labor  
Employees' Compensation Appeals Board**

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C.S., Appellant )

and )

U.S. POSTAL SERVICE, POST OFFICE, )  
Troy, MI, Employer )

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**Docket No. 07-1931  
Issued: December 21, 2007**

*Appearances:*

*Alan J. Shapiro, Esq.*, for the appellant  
*Office of Solicitor*, for the Director

*Case Submitted on the Record*

**DECISION AND ORDER**

Before:

ALEC J. KOROMILAS, Chief Judge  
MICHAEL E. GROOM, Alternate Judge  
JAMES A. HAYNES, Alternate Judge

**JURISDICTION**

On July 17, 2007 appellant, through her attorney, filed a timely appeal of the Office of Workers' Compensation Programs' hearing representative's merit decision dated June 25, 2007 finding that she had not established a left knee injury. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

**ISSUE**

The issue is whether appellant has met her burden of proof in establishing that she developed a left knee injury due to her federal employment duties.

**FACTUAL HISTORY**

On August 14, 2006 appellant, then a 51-year-old letter carrier, filed an occupational disease alleging that she had developed a left knee condition due to her federal job duties. She previously injured her left knee in 2002 and underwent surgery. Appellant returned to work, but

continued to experience knee pain. She noted that she had previously filed a notice of recurrence of disability which was denied by the Office. Appellant stated that she required additional knee surgery.

Dr. Brian Titesworth, a Board-certified internist, examined appellant on April 28, 2006 and reported her history of knee injury in 2002. Appellant reported recent increasing pain in her left knee. Dr. Titesworth opined that a medial meniscal injury was progressing. In a note dated June 13, 2006, Dr. Henry Goitz, a Board-certified orthopedic surgeon, noted appellant's history of knee injury in 2002 and surgery in 2003. He stated that appellant had significant improvement following her 2003 surgery and was able to perform her usual activities. Dr. Goitz noted that in the early spring of 2006 appellant developed increasing pain while walking. He reviewed diagnostic studies and diagnosed collapse of the medial compartment, degenerative changes with a bucket-handle tear of the medial meniscus. Dr. Goitz noted that appellant wanted additional surgery.

In a letter dated August 28, 2006, the Office requested additional factual and medical information from appellant including a detailed description of the employment duties to which she attributed her condition.

Dr. Goitz completed a form report on June 21, 2006 and noted appellant's prior employment injury. He diagnosed left knee osteoarthritis and moderate suprapatellar effusion. Dr. Goitz indicated with a checkmark "yes" that appellant's condition was caused or aggravated by employment activities. He recommended additional surgery.

Appellant submitted additional information on September 12, 2006 and noted that, following her return to work in January 2003 after her initial knee injury, she performed light duty. She had restrictions of limited bending, lifting and walking. Appellant stated that she cased mail for four hours and then delivered her route which required "vigorous bending, stooping, walking and standing." Dr. Goitz completed a note on September 26, 2006 and described how a meniscal tear could occur. He noted that a twisting event with a direct contusion could result in a meniscal tear and that a direct contusion could aggravate a preexisting tear. Dr. Goitz stated: "In short, the claimed event can result in the problem treated surgically particularly if the patient was doing well prior to the injurious event."

By decision dated November 8, 2006, the Office denied appellant's claim finding that she failed to provide a detailed factual statement describing the employment activities that she felt caused or contributed to her current left knee condition. The Office further found that appellant had not submitted the necessary medical evidence to establish a causal relationship between her employment duties and her left knee condition.

Appellant, through her attorney, requested an oral hearing on December 2, 2006. She testified at the oral hearing on March 27, 2007, reiterating that she underwent a left knee surgery on August 2006 and received compensation benefits for lost time due to this surgery. Appellant noted that she return to full duty with lifting restrictions after her initial knee surgery. She stated that she entered and exited her mail truck at 300 stops a day, that she frequently walked to place

parcels in doorways and that she frequently twisted both her body and her knee performing her job duties. Appellant provided the job requirements of her position, which included twisting six hours a day.

By decision dated June 25, 2007, the hearing representative found that, although appellant had provided the necessary factual information detailing the physical duties she performed, she did not provide a detailed reasoned medical report supporting that these work duties caused or contributed to her current left knee condition or the need for surgery in August 2006.

### **LEGAL PRECEDENT**

An occupational disease or illness means a condition produced by the work environment over a period longer than a single workday or shift.<sup>1</sup> To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (1) medical evidence establishing the presence of existence of a the disease or condition for which compensation is claimed; (2) a factual statement identifying the employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; and (3) medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant. The medical opinion 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>2</sup>

### **ANALYSIS**

Appellant has submitted evidence of a left knee condition diagnosed as collapse of the medial compartment and degenerative change with a bucket-handle tear of the medial meniscus. She implicated factors of her federal employment duties of twisting for six hours a day, entering and exiting her mail truck 300 times a day and walking. However, appellant has not submitted the necessary medical evidence to establish a causal relationship between these employment duties and her left knee condition.

In support of her claim, appellant submitted medical reports from Dr. Goitz, a Board-certified orthopedic surgeon. In a form report dated June 21, 2006, Dr Goitz indicated with a checkmark “yes” that appellant’s left knee condition was due to employment activities. The Board has held that an opinion on causal relationship which consists only of a physician checking “yes” to a medical form report question on whether the claimant’s condition was related to the history given is of little probative value. Without any explanation or rationale for the conclusion reached, such a report is insufficient to establish causal relationship.<sup>3</sup>

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<sup>1</sup> 20 C.F.R. § 10.5(q).

<sup>2</sup> *Solomon Polen*, 51 ECAB 341, 343-44 (2000).

<sup>3</sup> *Lucrecia M. Nielson*, 41 ECAB 583, 594 (1991).

Dr. Goitz submitted a narrative report on September 26, 2006 and offered possibilities of how a meniscal tear could occur. He indicated that a twisting event with a direct contusion or a direct contusion only could result in this injury. However, appellant has not alleged that she sustained any contusion to her knee. As this report does not address the specifics of appellant's claim and does not offer a clear opinion regarding the mechanism of injury in this case, it is not sufficient to meet appellant's burden of proof.

Appellant has not submitted any medical evidence describing her employment duties, following her return to limited duty in 2003. There is no medical evidence addressing how these duties resulted in her left knee condition and need for surgery or explaining how the physician reached this conclusion as required to establish an occupational disease claim. As she has not submitted the required medical evidence, the Office properly denied her claim.

### **CONCLUSION**

The Board finds that appellant has not submitted the necessary medical opinion to establish that her diagnosed condition was causally related to the employment factors she identified for this reason, the Office properly denied her claim.

### **ORDER**

**IT IS HEREBY ORDERED THAT** the June 25, 2007 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: December 21, 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