

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of VERA R. PRICE and U.S. POSTAL SERVICE,  
POST OFFICE, Indianapolis, IN

*Docket No. 99-529; Submitted on the Record;  
Issued September 14, 2000*

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DECISION and ORDER

Before MICHAEL E. GROOM, A. PETER KANJORSKI,  
VALERIE D. EVANS-HARRELL

The issue is whether appellant's right knee condition is causally related to the left knee injury she sustained while in the performance of her duties on May 7, 1975.

On May 7, 1975 appellant, a custodian, sustained an injury while in the performance of her duties. The Office of Workers' Compensation Programs accepted her claim for the conditions of left knee sprain, torn lateral and medial meniscus of the left knee and chondromalacia of the left patella. Appellant underwent surgery and received compensation for temporary total disability. She also received a schedule award for permanent impairment to the left lower extremity.

Appellant returned to work on June 21, 1997 as a modified part-time flexible mailhandler. She thereafter received compensation for partial disability as detailed in a loss of wage-earning capacity determination issued by the Office on September 15, 1997.

On September 9, 1997 appellant filed a claim asserting that she had to alter the way she walked after her left knee surgeries. This, she explained, caused undue stress and pain in her right knee and ultimately led to a total right knee replacement.<sup>1</sup>

On November 14, 1997 the Office advised appellant of the medical evidence necessary to establish her claim. The Office stated that appellant's physician should provide a medical opinion to support how appellant's right knee condition was related to her May 7, 1975 employment injury. The Office also stated that the physician's report should include a history of

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<sup>1</sup> Appellant made this claim on a Form CA-2a, notice of recurrence of disability and claim for continuation pay/compensation. Although she gave 1990 as the year of recurrence, she indicated that the date and hour she stopped work, as well as the date and hour her pay stopped, was not applicable. Her supervisor indicated on the back of the form that the date appellant stopped work was "undetermined" because appellant was already off work in 1990. The Office advised appellant that her claim was not one of recurrence of disability but of consequential injury.

appellant's right knee condition, objective findings, a diagnosis and an opinion on causal relationship supported by medical reasoning.

In a brief report dated July 18, 1997, Dr. David S. Batt, Board-certified internal medicine and specializing in rheumatology, stated that appellant originally had an injury to the left knee that led to severe degenerative arthritis. Dr. Batt added: "Unfortunately because she has favored the right knee for several years she has developed significant arthritis in that knee also."

In a January 5, 1998 report, Dr. Eric S. Leaming, a Board-certified orthopedic surgeon, addressed the issue of causal relationship as follows:

"[Appellant], as you know on May 7, 1975 suffered a work-related injury to her left knee requiring several subsequent surgeries and the knee became increasingly arthritic, to the point a total knee arthroplasty was felt to be needed to relieve her pain. The patient had increasing pain in her right knee which was felt to be at least partially secondary to the fact that she had to favor the left knee because of her constant pain and increasing arthritic changes which were secondary to her May 7, 1975 injury. I would contend that twenty years of favoring her left knee secondary to her work-related injury, has caused increase in degenerative changes to her right knee."

In a decision dated January 21, 1998, the Office denied appellant's claim of recurrence and found that the evidence was insufficient to support that appellant suffered a consequential injury.

The Board finds that the medical opinion evidence of record is insufficient to establish that appellant's right knee condition is causally related to the left knee injury she sustained on May 7, 1975.

A claimant seeking benefits under the Federal Employees' Compensation Act<sup>2</sup> has the burden of proof to establish the essential elements of her claim by the weight of the evidence,<sup>3</sup> including that she sustained an injury in the performance of duty and that any specific condition or disability for work for which she claims compensation is causally related to that employment injury.<sup>4</sup>

In this case, the Office accepted that appellant sustained a left knee injury while in the performance of her duties on May 7, 1975. The question for determination is whether her right knee condition is causally related to the accepted employment injury.<sup>5</sup>

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<sup>2</sup> 5 U.S.C. §§ 8101-8193.

<sup>3</sup> *Nathaniel Milton*, 37 ECAB 712 (1986); *Joseph M. Whelan*, 20 ECAB 55 (1968) and cases cited therein.

<sup>4</sup> *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

<sup>5</sup> See *John R. Knox*, 42 ECAB 193 (1990) (it is an accepted principle of workers' compensation law that when the primary injury is shown to have arisen out of and in the course of employment, every natural consequence that flows from the injury is deemed to arise out of the employment, unless it is the result of an independent, intervening

The evidence generally required to establish causal relationship is rationalized medical opinion evidence. The claimant must submit a rationalized medical opinion that supports a causal connection between her claimed condition and the employment injury. The medical opinion must be based on a complete factual and medical background with an accurate history of the claimant's employment injury and must explain from a medical perspective how the claimed condition is related to the injury.<sup>6</sup>

In reports from Drs. Batt and Leaming, the physicians attributed the significant arthritis or degenerative changes in appellant's right knee, in part, to the fact that appellant favored her injured left knee for a period of years. Although their reports are generally supportive of appellant's claim, the opinions of Drs. Batt and Leaming are of diminished probative value. Neither physician documented the development of appellant's right knee condition.<sup>7</sup> Neither offered sufficient medical reasoning to explain, to a reasonable degree of medical certainty, how favoring the left knee for a period of years caused or contributed to the degenerative changes found in the right knee.<sup>8</sup> The medical reports of record are not well rationalized in explaining how the left knee injury contributed to degenerative changes in appellant's right knee. Dr. Leaming asserted that 20 years of "favoring" the left knee had caused an increase in degenerative changes to the right knee, but he did not distinguish the degenerative changes from the natural or expected progression of a degenerative knee condition nor did he document the degenerative increase with references to complaints, clinical findings or other medical evidence. Because the opinions of Drs. Batt and Leaming lack the medical reasoning and documentation necessary to establish the essential element of causal relationship, appellant has not met her burden of proof.

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cause attributable to the employee's own intentional conduct).

<sup>6</sup> *John A. Ceresoli, Sr.*, 40 ECAB 305 (1988).

<sup>7</sup> See *James A. Wyrick*, 31 ECAB 1805 (1980) (physician's report was entitled to little probative value because the history was both inaccurate and incomplete). See generally *Melvina Jackson*, 38 ECAB 443, 450 (1987) (addressing factors that bear on the probative value of medical opinions).

<sup>8</sup> See *Ceferino L. Gonzales*, 32 ECAB 1591 (1981); *George Randolph Taylor*, 6 ECAB 968 (1954) (medical conclusions unsupported by rationale are of little probative value).

The January 21, 1998 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC  
September 14, 2000

Michael E. Groom  
Alternate Member

A. Peter Kanjorski  
Alternate Member

Valerie D. Evans-Harrell  
Alternate Member