

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DEBBIE F. WITHERSPOON and U.S. POSTAL SERVICE,
POST OFFICE, Grand Rapids, MI

*Docket No. 99-2179; Submitted on the Record;
Issued September 6, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
WILLIE T.C. THOMAS

The issue is whether appellant has met her burden of proof in establishing that she sustained a left knee injury causally related to factors of her federal employment.

On November 4, 1998 appellant, then a 42-year-old letter carrier, filed a notice of occupational disease (Form CA-2) alleging that she required left knee surgery as a result of an initial work-related injury sustained in 1984. She noted that she was first aware of her condition and that it was caused by her employment on July 25, 1998. Appellant further alleged that her left knee progressive osteoarthritis was causally related to her federal employment. The employing establishment noted that appellant stopped work for one day on November 5, 1998.

By decision dated March 2, 1999, the Office of Workers' Compensation Programs denied appellant's claim on the grounds that the medical evidence failed to establish a causal relationship between appellant's condition and her federal employment.

The Board has reviewed the case record and finds that appellant has not met her burden of proof in establishing an employment-related knee injury.¹

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 or existence of the disease or condition for which compensation is claimed; (2) a factual statement identifying 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 employment factors identified by the claimant were the proximate cause of the condition for

¹ By letter dated December 24, 1998, the Office advised appellant that he needed to submit additional information regarding his claim for compensation, including a detailed narrative medical report from her doctor explaining the progression of her condition since 1985 and explaining how her current condition is related to her previous knee injury.

which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.² The evidence required to establish causal relationship is rationalized medical opinion evidence, based upon a complete and accurate factual and medical background, showing a causal relationship between the claimed conditions and her federal employment.³ Neither the fact that the condition became manifest during a period of federal employment, nor the belief of appellant that the condition was caused or aggravated by her federal employment, is sufficient to establish causal relation.⁴

In a medical report dated January 11, 1985, Dr. C. Peters, appellant's treating physician and surgeon, stated that he had performed a diagnostic arthroscopy involving the lateral tibial plateau of the left knee. However, this report predates appellant's claim and is thus of little probative value.

In a medical report dated October 6, 1998, Dr. Keith E. Heeringa, appellant's treating physician and Board-certified in orthopedic surgery, noted a familiarity with appellant's history of injury including her left knee surgery 10 years prior, her switch of positions to an inside clerk, and later to restricted duty due to increased swelling and pain in her left knee. He noted that appellant remained symptomatic along the medial and anterior aspect of her left knee. Upon examination, the doctor found a mildly swollen left knee, painful and slow range of motion functions, and crepitance palpated in the patella. Dr. Heeringa noted negative anterior drawer, x-rays and Lachman's test, and a positive McMurray's test. He diagnosed a possible meniscus injury and recommended surgery. This report is of little probative value because Dr. Heeringa did not provide a rationalized medical opinion establishing a causal relationship between appellant's condition and her employment.

In a medical report dated November 23, 1998, Dr. Heeringa stated that appellant "does have a history of having injured (her left) knee while at work about 10 years prior and having had arthroscopic surgery at that time." He added that he had reviewed appellant's medical records and noted that the specified area of extensive damage was on the lateral tibia plateau surface which corresponded with the area which showed current extensive damage. He added: "In my opinion, the damage in her left knee that I have seen does relate back to the original injury back in 1985."⁵ This report related appellant's current knee condition to her December 1984 injury but does not support that conclusion with a rationalized medical opinion which would have traced the progress of appellant's knee from 1984 to the current claim.

As noted above, it is not enough to establish the existence of a condition for which compensation is claimed; there must be probative evidence that the condition is causally related

² *Victor J. Woodhams*, 41 ECAB 345 (1989).

³ *See Walter D. Morehead*, 31 ECAB 188 (1979).

⁴ *Manuel Garcia*, 37 ECAB 767 (1986).

⁵ In a medical report dated November 5, 1998, Dr. Heeringa stated that he had performed arthroscopy of the left knee with debridement, chondroplasty and shaving. The record does not reflect that this surgery was authorized by the Office.

to the identified employment factors. There is no medical evidence of record that provides a medical opinion, based on a complete background and with supporting medical rationale, that appellant's left knee injury is causally related to the identified employment factors. Accordingly, the Board finds that appellant has not met her burden of proof and the Office properly denied her claim.

The March 2, 1999 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, D.C.
September 6, 2000

Michael J. Walsh
Chairman

David S. Gerson
Member

Willie T.C. Thomas
Member