

In a letter dated November 16, 2007, the Office informed appellant that the evidence submitted was insufficient to establish his claim. It advised him to submit details regarding the employment duties he believed caused or contributed to his claimed condition, as well as a comprehensive medical report from a treating physician, which contained symptoms, a diagnosis and an opinion with an explanation as to the cause of his diagnosed condition.

In a statement dated December 10, 2007, appellant indicated that his job activities since January 4, 1986, which included carrying and casing mail, had required him to stand from four to six hours per day and to walk and climb from four to six hours per day. He noted that his knees ached continuously and that long periods of walking and cold weather exacerbated the symptoms.

By decision dated January 31, 2008, the Office accepted that the claimed events occurred. However, it denied appellant's claim on the grounds that the record did not contain any medical evidence which provided a diagnosis which could be connected with the accepted events.

On February 28, 2008 appellant requested a review of the written record. In support of his request, he submitted a February 28, 2008 report from Dr. C. Rook, a treating physician, who stated that he had treated appellant on October 11, 2007 for "ongoing worsening knee pain." Dr. Rook related appellant's description of a pattern of bilateral anterior or patellar pain, which began on October 3, 2007, while he was casing mail at work. Appellant noted that the pain increased after repetitive step climbing. Dr. Rook opined that appellant's knee pain was "clearly work related." He stated that appellant's pain had recently improved, but had not resolved, with a reduction in climbing.

By decision dated May 16, 2008, the Office denied modification of its January 31, 2008 decision, on the grounds that appellant had failed to provide a diagnosis which could be causally related to the accepted work events. Therefore, the record did not establish that he had sustained a diagnosed, compensable injury causally related to his duties as a letter carrier.

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of his claim, including the fact that an injury was sustained in the performance of duty as alleged² and that any disability and/or specific condition for which compensation is claimed are causally related to the employment injury.³

¹ 5 U.S.C. §§ 8101-8193.

² *Joseph W. Kripp*, 55 ECAB 121 (2003); *see also Leon Thomas*, 52 ECAB 202, 203 (2001). "When an employee claims that he sustained injury in the performance of duty he must submit sufficient evidence to establish that he experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. Appellant must also establish that such event, incident or exposure caused an injury." *See also* 5 U.S.C. § 8101(5) ("injury" defined); 20 C.F.R. § 10.5(q) and (ee) (2002) ("Occupational disease or Illness" and "Traumatic injury" defined).

³ *Dennis M. Mascarenas*, 49 ECAB 215, 217 (1997)

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 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.⁴ The medical evidence required to establish a causal relationship, generally, is rationalized medical opinion evidence, *i.e.*, medical evidence presenting a physician's well-reasoned opinion on how the established factor of employment caused or contributed to claimant's diagnosed condition. To be of probative value, 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.⁵

An award of compensation may not be based on appellant's belief of causal relationship. Neither the mere fact that a disease or condition manifests itself during a period of employment, nor the belief that the disease or condition was caused or aggravated by employment factors or incidents, is sufficient to establish a causal relationship.⁶

ANALYSIS

The medical evidence submitted by appellant is insufficient to establish that his alleged medical condition was caused or aggravated by factors of his federal employment. Therefore, he has failed to meet his burden of proof.

Contemporaneous medical evidence of record consisted of a February 28, 2008 report from Dr. Rork, who treated appellant for "ongoing worsening knee pain." Dr. Rork related appellant's complaints of bilateral anterior or patellar pain, noting that the pain increased after repetitive step climbing. He opined that appellant's knee pain was "clearly work related." Dr. Rork's report lacks probative value on several counts. Most significantly, he did not provide a definitive diagnosis. The Board has he did not sufficiently describe appellant's job duties or explain the medical process through which such duties would have been competent to cause the claimed condition. Medical conclusions unsupported by rationale are of little probative value.⁷ Additionally, Dr. Rork did not provide findings on examination, or indicate that his opinion was based on a review of a complete factual and medical background of the claimant. For all of these reasons, his report is of diminished probative value.

Appellant expressed his belief that his alleged condition resulted from his duties as a carrier. However, the Board has held that the mere fact that a condition manifests itself during a period of employment does not raise an inference that there is a causal relationship between the

⁴ *Michael R. Shaffer*, 55 ECAB 386 (2004). *See also Solomon Polen*, 51 ECAB 341, 343 (2000).

⁵ *Leslie C. Moore*, 52 ECAB 132, 134 (2000); *see also Ern Reynolds*, 45 ECAB 690, 695 (1994).

⁶ *Phillip L. Barnes*, 55 ECAB 426 (2004); *see also Dennis M. Mascarenas*; *supra* note 3 at 218.

⁷ *Willa M. Frazier*, 55 ECAB 379 (2004).

two.⁸ Neither the fact that the condition became apparent during a period of employment nor the belief that the condition was caused or aggravated by employment factors or incidents, is sufficient to establish causal relationship.⁹ Causal relationship must be substantiated by reasoned medical opinion evidence, which it is appellant's responsibility to submit. Therefore, appellant's belief that his condition was caused by the alleged work-related injury is not determinative.

The Office advised appellant that it was his responsibility to provide a comprehensive medical report which described his symptoms, test results, diagnosis, treatment and the doctor's opinion, with medical reasons, on the cause of his condition. Appellant failed to do so. As there is no probative, rationalized medical evidence addressing how his claimed conditions were caused or aggravated by his employment, he has not met his burden of proof in establishing that he sustained an occupational disease in the performance of duty causally related to factors of employment.

CONCLUSION

The Board finds that appellant has not met his burden of proof to establish that he sustained an injury in the performance of duty.

⁸ See *Joe T. Williams*, 44 ECAB 518, 521 (1993).

⁹ *Id.*

ORDER

IT IS HEREBY ORDERED THAT the May 16 and January 31, 2008 decisions of the Office of Workers' Compensation Programs are affirmed.

Issued: January 2, 2009
Washington, DC

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

David S. Gerson, Judge
Employees' Compensation Appeals Board

Colleen Duffy Kiko, Judge
Employees' Compensation Appeals Board