

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ROBERT F. CHRISTOPHER and U.S. POSTAL SERVICE,
POST OFFICE, Lexington, Ky.

*Docket No. 97-1696; Submitted on the Record;
Issued January 25, 1999*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
BRADLEY T. KNOTT

The issue is whether appellant met his burden of proof to establish that he sustained an occupational disease causally related to factors of his federal employment.

On September 5, 1996 appellant, then a 49-year-old mailhandler, filed a notice of occupational disease alleging that he suffered a torn meniscus of his left knee as a result of his federal employment. Appellant stated that he became aware of his disease on August 27, 1996 and that it was caused or aggravated by his employment on August 24, 1996. He indicated that his duties required him to climb stairs 8 to 10 times nightly and that he had been doing this for 10 years. He stated that his doctors related his injury to climbing stairs.

On August 13, 1996 Dr. Tonya C. Claytor diagnosed pain in the knee which she attributed to appellant playing softball and landing weight on his left knee. Dr. Claytor's x-ray interpretations were normal. She treated appellant for left knee pain on August 27, 1996.

On August 27, 1996 Dr. Andrew W. Ryan, an orthopedic surgeon, diagnosed patellofemoral arthrosis with possible medial meniscal tear. He indicated that appellant had a long history of left knee pain which he reinjured playing softball on August 9, 1996.

On August 30, 1996 Dr. Ryan indicated that a magnetic resonance imaging scan revealed a probable complex tear of the posterior horn of the medial meniscus of the left knee and changes compatible with bipartite patella.

On September 6, 1996 Dr. Claytor indicated that appellant injured his left knee playing softball on August 9, 1996.

On September 10, 1996 Dr. Ryan indicated that appellant called to inform him that his softball injury occurred 20 years prior and that he did not play softball or injure his knee doing so in August 1996 as indicated by Dr. Ryan in his August 27, 1996 report. Dr. Ryan stated that

appellant's current condition was probably a degenerative type condition, but it was certainly exacerbated by his on-the-job activities.

On September 17, 1996 Dr. Ryan reported that appellant told him his knee pain began only recently and that he did not have a long history of knee pain.

On September 24, 1996 Dr. Ryan diagnosed left knee internal derangement and a probable medial meniscal tear. Dr. Ryan stated that this was associated with an underlying condition, but that there certainly appeared to be a work-related component to the injury.

On October 10, 1996 Dr. Claytor again treated appellant for a knee problem.

On November 19, 1996 the Office of Workers' Compensation Programs requested additional factual and medical information, including a comprehensive medical report addressing the cause of appellant's condition.

On December 20, 1996 Dr. Ryan stated that, based on the job description provided to him by the employing establishment, appellant's work duties would not likely exacerbate a preexisting degenerative knee condition.

By decision dated January 15, 1997, the Office denied appellant's claim because fact of injury was not established. In an accompanying memorandum, the Office stated that the medical evidence was not supportive of the claim and that appellant failed to provide a complete and accurate history of the claim.

The Board finds that appellant did not meet his burden of proof to establish that he sustained an occupational disease causally related to factors of his federal employment.

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 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.¹ The medical evidence required to establish a causal relationship, generally, is rationalized medical opinion evidence.² Rationalized medical opinion evidence is medical evidence which includes a physician's rationalized 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

¹ See *Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

² The Board held that, in certain cases, where the causal connection is obvious, expert testimony may not be necessary; see *Naomi A. Lilly*, 10 ECAB 560, 572-73 (1959). The instant case, however, is not one of obvious casual connection.

claimant,³ must be one of reasonable medical certainty⁴ 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

In the instant case, appellant has failed to submit medical evidence establishing that the diagnosed condition is causally related to any employment factors. In his final report dated December 20, 1996, Dr. Ryan, an orthopedic surgeon, stated that the job description provided to him by the employing establishment revealed that such employment would not likely exacerbate appellant's preexisting degenerative knee condition. Moreover, on August 13 and September 6, 1996 Dr. Claytor related appellant's knee injury to a softball injury rather than factors of employment. Inasmuch as none of appellant's treating physicians related his knee injury to factors of his federal employment, appellant failed to meet his burden of proof.⁶

The decision of the Office of Workers' Compensation Programs dated January 15, 1997 is affirmed.

Dated, Washington, D.C.
January 25, 1999

Michael J. Walsh
Chairman

David S. Gerson
Member

Bradley T. Knott
Alternate Member

³ *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

⁴ *See Morris Scanlon*, 11 ECAB 384, 385 (1960).

⁵ *See James D. Carter*, 43 ECAB 113 (1991); *George A. Ross*, 43 ECAB 346 (1991); *William E. Enright*, 31 ECAB 426, 430 (1980).

⁶ *Victor J. Woodhams*, *supra* note 1.