

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

---

In the Matter of GLORIA S. CARPENTIER and DEPARTMENT OF THE NAVY,  
NAVAL RESEARCH LABORATORY, Washington, D.C.

*Docket No. 97-1435; Submitted on the Record;  
Issued March 23, 1999*

---

DECISION and ORDER

Before MICHAEL J. WALSH, MICHAEL E. GROOM,  
BRADLEY T. KNOTT

The issue is whether appellant has met her burden of proof in establishing that she sustained a recurrence of disability after January 1996 that was causally related to her accepted employment injury of right knee strain.

On April 1, 1994 appellant, then a 57-year-old business program specialist, filed a notice of traumatic injury and claim, alleging that she sustained a right knee injury on March 7, 1994. Appellant stopped work on March 18, 1994 and returned to her regular work on March 21, 1994. On August 9, 1994 the Office of Workers' Compensation Programs accepted appellant's claim for right knee strain. On April 10, 1996 appellant filed a claim for recurrence of disability beginning January 1996. By decision dated August 9, 1996, the Office denied appellant's claim for recurrence of disability on the grounds that the evidence submitted did not establish a causal relationship between the accepted employment injury and the claimed recurrence. In a merit decision dated December 16, 1996, the Office denied appellant's request for reconsideration on the grounds that the evidence submitted was not sufficient to establish modification of the prior decision.

The Board has carefully reviewed the entire record on appeal and finds that appellant has not established a recurrence of disability after January 1996 that was causally related to her accepted employment injury.

Where appellant claims recurrence of disability due to an accepted employment-related injury, she has the burden of establishing by the weight of the substantial, reliable and probative evidence that the subsequent disability for which she claims compensation is causally related to the accepted injury.<sup>1</sup> This burden includes the necessity of furnishing evidence from a qualified physician who, on the basis of a complete and accurate factual and medical history, concludes

---

<sup>1</sup> *John E. Blount*, 30 ECAB 1374 (1979).

that the condition is causally related to the employment injury and supports that conclusion with sound medical reasoning.<sup>2</sup>

In the present case, appellant has not submitted rationalized medical evidence which establishes that she sustained a recurrence of disability after January 1996. She submitted several reports from her treating physician, Dr. Edward C. Rabbitt, a Board-certified orthopedic surgeon, who also treated appellant for her initial injury on March 7, 1994. Although the Office accepted appellant's claim for right knee strain, Dr. Rabbitt had indicated that appellant might have a torn medial meniscus. However, this report is speculative in nature as the physician did not reach a definite conclusion with respect to whether or not appellant had a torn medial meniscus.<sup>3</sup> In an office note dated March 8, 1996, Dr. Rabbitt indicated that appellant had an exacerbation of her preexisting right knee injury which "just started aching and paining again." He noted some swelling and medial pain and diagnosed an ongoing tear of the medial cartilage. As Dr. Rabbitt did not provide any explanation or basis for his finding of a tear of the medial cartilage and there is no indication there is any objective evidence to substantiate his diagnosis, his finding is not fully rationalized. In his August 30, 1996 report, Dr. Rabbitt reiterated that appellant's 1996 injury was not a new injury and was an exacerbation of her preexisting right knee injury. He concluded that appellant had ongoing knee pain as a result of her March 1994 injury. However, Dr. Rabbit did not explain why the diagnosed condition was causally related to appellant's previously accepted employment injury and did not substantiate his conclusions with either physical or diagnostic findings. Consequently, this report is not sufficient to discharge appellant's burden of proof. Appellant has not established that she sustained a recurrence of disability that was causally related to her accepted employment injury of right knee strain.

---

<sup>2</sup> *Frances B. Evans*, 32 ECAB 60 (1980).

<sup>3</sup> *Charles A. Massenzo*, 30 ECAB 844 (1978).

The decisions of the Office of Workers' Compensation Programs dated December 16 and August 9, 1996 are hereby affirmed.

Dated, Washington, D.C.  
March 23, 1999

Michael J. Walsh  
Chairman

Michael E. Groom  
Alternate Member

Bradley T. Knott  
Alternate Member