

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of JUANITA D. JOHNSON and DEPARTMENT OF THE AIR FORCE,  
ROBINS AIR FORCE BASE, GA

*Docket Nos. 97-1768 and 99-1931; Submitted on the Record;  
Issued October 6, 1999*

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DECISION and ORDER

Before GEORGE E. RIVERS, DAVID S. GERSON,  
A. PETER KANJORSKI

The issues are: (1) whether appellant sustained any disability during the period December 11 to 18, 1995 causally related to her August 16, 1989 employment injury; and (2) whether appellant sustained any disability during the periods February 25 through July 11, 1996 and August 7 to 12, 1996 causally related to her August 16, 1989 employment injury.

Regarding the issue of whether appellant had any disability during the period December 11 to 18, 1995 due to her employment injury of aggravation/acceleration of patellofemoral arthritis, the Board, after careful consideration of the issue involved, the contentions of appellant on appeal and the entire case record finds that the decision of the hearing representative of the Office of Workers' Compensation Programs dated June 25, 1997 in accordance with the facts and the law in this case and hereby adopts the findings and conclusions of the Office hearing representative.

The Board further finds that appellant has not established that she sustained any disability during the periods February 25 through July 11, 1996 and August 7 to 12, 1996 causally related to her August 16, 1989 employment injury.

In the instant case, appellant sustained a traumatic injury to her left knee on August 16, 1989. The Office initially accepted the claim for a left knee contusion. Based on the January 25, 1995 opinion of Dr. Robert A. Nelson, a Board-certified orthopedic surgeon who performed an impartial medical examination, the Office accepted that appellant sustained

acceleration of patellofemoral arthritis due to her employment injury and authorized a total knee replacement.<sup>1</sup>

Following her employment injury, appellant resumed her regular work duties. In August 1996, appellant filed claims for compensation on the account of traumatic injury or occupational disease (Form CA-8) requesting compensation for intermittent periods of disability between February 5 and July 11, 1996 and August 7 to 12, 1996. Appellant requested compensation for the following dates: February 5, 7, 12 and 13, 1996; March 11, 1996; April 1, 10, 12, 15 and 24, 1996; July 11, 1996 and August 7, 8 and 12, 1996.

By letter dated October 10, 1996, the Office provided appellant 30 days within which to submit medical evidence supporting her claimed periods of disability.

Appellant submitted a treatment note dated April 24, 1996 from Dr. James R. Roberson, a Board-certified orthopedic surgeon and her attending physician. Dr. Roberson opined that appellant “was unable to work because of knee pain on February 5, 7, 13, 12, March 11 [and] April 1, 10, 12, 15 [and] 24.”

In a treatment note dated October 23, 1996, Dr. Roberson stated:

“[Appellant] has severe osteoarthritis problems in her left knee and in addition, other health problems, including chronic renal failure. There are times in the past year that she has been unable to work because of knee pain. She did not need to see me in the office on each of these occasions as there was really no change in management possible. These dates include in 1995: December 11, 14, 15, 18 and 20 and in 1996: February 5, 7, 13, 12, March 11, April 1, 10, 12, 15 and 24.”

By letter dated November 12, 1996, the Office notified appellant that the evidence submitted was insufficient to establish her claim for compensation, described the medical evidence required and provided her with an additional 20 days in which to submit the requested information.

By decision dated March 27, 1997, the Office denied appellant’s claim for compensation for intermittent episodes of disability between the periods February 5 to July 11, 1996 and August 7 to 12, 1996 on the grounds that the medical evidence was insufficient to establish that her disability was causally related to her accepted employment injury.

An employee seeking benefits under the Federal Employees’ Compensation Act<sup>2</sup> has the burden of establishing the essential elements of his or her claim, including the fact that an injury

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<sup>1</sup> By decision dated July 22, 1993, the Office found that appellant had no further disability effective May 21, 1993 due to her August 16, 1989 employment injury. An Office hearing representative, by decision dated April 25, 1994, set aside the July 22, 1993 decision and remanded the case for resolution of a conflict in medical opinion. In a decision dated September 26, 1994, the Office denied appellant’s claim as she had failed to contact the Office regarding scheduling an impartial medical examination. Appellant requested reconsideration, and, after her impartial medical examination, in a decision dated February 10, 1995, the Office set aside its prior decision and accepted her claim for acceleration of patellofemoral arthritis and authorized a total knee replacement.

<sup>2</sup> 5 U.S.C. §§ 8101-8193.

was sustained in the performance of duty as alleged and that any disability and/or specific condition for which compensation is claimed is causally related to the employment injury.<sup>3</sup>

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 current condition and the employment injury. The medical opinion must be based on complete factual and medical backgrounds with an accurate history of the claimant's employment injury and must explain from a medical perspective how the current condition is related to the injury.<sup>4</sup>

The record in this case contains no such medical opinion to support that appellant was intermittently disabled from work from July 11 to August 12, 1996. In notes dated April 24 and October 23, 1996, Dr. Roberson listed dates in which he found appellant disabled from employment due to knee pain but he provided no rationalized medical opinion explaining how appellant's disability was causally related to her employment injury. Without explanation or rationale, a medical report has diminished probative value and is insufficient to establish causal relationship.<sup>5</sup> Therefore, Dr. Roberson's reports are insufficient to establish that appellant had an employment-related disability on the dates in question.

Although the Office advised appellant of the type of medical evidence needed to establish her claim, appellant failed to submit medical evidence responsive to the request. Consequently, the Office properly denied appellant's request for compensation for intermittent periods of disability from July 11 to August 12, 1996

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<sup>3</sup> *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

<sup>4</sup> *John A. Ceresoli, Sr.*, 40 ECAB 305 (1988).

<sup>5</sup> *Deborah S. King*, 44 ECAB 203 (1992).

The decisions of the Office of Workers' Compensation Programs dated June 25 and March 27, 1997 are hereby affirmed.

Dated, Washington, D.C.  
October 6, 1999

George E. Rivers  
Member

David S. Gerson  
Member

A. Peter Kanjorski  
Alternate Member