

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of EDWARD MADDY, JR. and U.S. POSTAL SERVICE,  
POST OFFICE, Somerset, PA

*Docket No. 98-334; Submitted on the Record;  
Issued September 1, 1999*

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DECISION and ORDER

Before GEORGE E. RIVERS, BRADLEY T. KNOTT,  
A. PETER KANJORSKI

The issue is whether appellant has met his burden of proof in establishing that he sustained torn cartilage of the left knee that was causally related to factors of his federal employment.

On August 4, 1997 appellant, then a 44-year-old letter carrier, filed an occupational disease claim, alleging that he sustained torn left knee cartilage that he first became aware of February 6, 1997 and first realized was causally related to his federal employment on August 5, 1996. In a decision dated September 29, 1997, the Office of Workers' Compensation Programs denied appellant's claim on the grounds that the medical evidence was not sufficient to establish a causal relationship between the claimed injury and factors of this federal employment.

The Board has duly reviewed the entire case record on appeal and finds that appellant has not establish that he sustained a knee condition that was causally related to factors of his federal employment.

An award of compensation may not be based on surmise, conjecture, speculation, or appellant's belief of causal relationship.<sup>1</sup> The Board has held that the mere fact that a disease or condition manifests itself during a period of employment does not raise an inference of causal relationship between the condition and the employment.<sup>2</sup> Neither the fact that the condition became apparent during a period of employment nor appellant's belief that employment caused or aggravated his condition is sufficient to establish causal relationship.<sup>3</sup> While the medical

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<sup>1</sup> *Williams Nimitz, Jr.*, 30 ECAB 567, 570 (1979); *Miriam L. Jackson Gholikely*, 5 ECAB 537, 538-39 (1953).

<sup>2</sup> *Edward E. Olson*, 35 ECAB 1099, 1103 (1984).

<sup>3</sup> *Joseph T. Gulla*, 36 ECAB 516, 519 (1985).

opinion of a physician supporting causal relationship does not have to reduce the cause or etiology of a disease or condition to an absolute certainty,<sup>4</sup> neither can such opinion be speculative or equivocal. The opinion of a physician supporting causal relationship must be one of reasonable medical certainty that the condition for which compensation is claimed is causally related to federal employment and such relationship must be supported with affirmative evidence, explained by medical rationale and be based upon a complete and accurate medical and factual background of the claimant.<sup>5</sup>

In the present case, a review of the record reveals that appellant sustained a fracture to his left leg on February 6, 1995 which the Office accepted as work related. Appellant subsequently filed a claim for recurrence of disability related to the February 6, 1995 injury, which was denied by the Office. Appellant then filed an occupational disease claim. Appellant submitted medical reports by Dr. Barbara J. Campbell, a Board-certified orthopedic surgeon, who examined appellant when he sustained his February 1995 injury and by Dr. Jonathan L. Kates, a Board-certified orthopedic surgeon, who performed arthroscopic surgery on appellant's knee. In the reports submitted by Dr. Campbell, she indicated that she believed appellant's fracture of February 1995 had aggravated his lower back. She later indicated that appellant was complaining of knee pain and stated that in light of the original injury, there may be some meniscus injury but she thought this was unlikely. Dr. Kates submitted several notes in which he indicated that appellant's condition was related to the fracture of his left leg without further explanation. In an office note dated October 7, 1996, Dr. Kates reported that appellant had had intermittent pain since his injury but had constant pain during the five weeks prior to this examination. Dr. Kates aspirated appellant's knees to rule out pseudogout. In an office note dated October 29, 1996, Dr. Kates indicated that he believed the cause of appellant's problem was traumatic. Appellant was scheduled for arthroscopic surgery on November 20, 1996 and underwent a partial left medial menisectomy. By letter dated August 20, 1996, the Office requested that appellant submit additional information, including a detailed description of his employment-related activities, a description of activities outside his federal employment, a description of the development of the claimed condition and a medical report by a physician which explained how appellant's federal employment contributed to or aggravated his claimed condition. Such evidence was never received. Rather appellant submitted office notes dated February 7, 1995 through February 10, 1997, which he believed supported his claim. As none of the medical evidence of record provides a rationalized opinion that establishes that appellant's torn left knee cartilage and resulting surgery is causally related to any factors of his federal employment or his accepted injury, appellant has not discharged his burden of proof.

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<sup>4</sup> See *Kenneth J. Deerman*, 34 ECAB 641 (1983).

<sup>5</sup> See *Margaret A. Donnelly*, 15 ECAB 40 (1963); *Morris Scanlon*, 11 ECAB 384 (1960).

The decision of the Office of Workers' Compensation Programs dated September 29, 1997 is hereby affirmed.

Dated, Washington, D.C.  
September 1, 1999

George E. Rivers  
Member

Bradley T. Knott  
Alternate Member

A. Peter Kanjorski  
Alternate Member