

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DONNA L. JONES and U.S. POSTAL SERVICE,
POST OFFICE, Elyria, OH

*Docket No. 99-75; Submitted on the Record;
Issued May 1, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, WILLIE T.C. THOMAS,
BRADLEY T. KNOTT

The issue is whether the condition of appellant's knees, including the surgeries she underwent on January 14 and March 4, 1997, is causally related to her employment.

On June 30, 1997 appellant, then a 49-year-old clerk, filed a claim for knee conditions, including surgeries she underwent on January 14 and March 4, 1997, that she attributed to pivoting while throwing flat mail for six years. In a letter dated September 4, 1997, she amplified that constant pivoting was required in order to throw flats in the position she held at the employing establishment for six years until 1990, and that she experienced pain in her knees during this time. Appellant stated that the job she took in 1990 did not require her to pivot, as the mail was thrown straight across instead of across and to the sides.

By decision dated October 9, 1997, the Office of Workers' Compensation Programs found that the evidence did not demonstrate a causal relationship between employment factors and the claimed condition. Following a hearing held on June 22, 1998 at appellant's request, an Office hearing representative, by decision dated August 18, 1998, found that appellant did not meet her burden of proof, as she had "not submitted medical evidence from a physician who, on the basis of a complete and accurate factual and medical history, has concluded that the disabling condition is causally related to factors of the claimant's [f]ederal employment."

Appellant has the burden of establishing by the weight of the reliable, probative and substantial evidence that her condition was caused or adversely affected by her employment. As part of this burden she must present rationalized medical opinion evidence, based on a complete factual and medical background, showing causal relation. The mere fact that a disease manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two. Neither the fact that the disease became apparent during a period of

employment, nor the belief of appellant that the disease was caused or aggravated by employment conditions, is sufficient to establish causal relation.¹

The Board finds that appellant has not met her burden of proof.

In support of her claim, appellant submitted several reports from Dr. Michael G. Hritz, a Board-certified orthopedic surgeon. In a report dated August 28, 1996, he stated that appellant probably had a degenerative medial meniscus tear of the right knee. In reports dated January 14 and March 4, 1997, Dr. Hritz described surgery he performed on appellant's knees on those dates as arthroscopic medical meniscectomies and medial chondroplasties. The diagnosis for each knee was medial meniscus tear, osteoarthritis chondromalacia. In a report dated March 29, 1997, Dr. Hritz stated that appellant still had pain and swelling in her left knee and that x-rays showed two-thirds narrowing of the medial joint space in both knees. He listed an impression of "[e]vidence of symptoms of synovitis and arthritis in her left knee which I feel is related to the fact she does have significant arthritis and had chondromalacia in both knees." In a report dated April 11, 1997, Dr. Hritz stated, "As noted, considering her job, she feels that she does twist a lot at work and feels that this problem has definitely been aggravated by her work with twisting on her knee." In a report dated August 13, 1997, he stated: "I do feel that her knees were probably aggravated by her work activity in relationship to work causing her problems. She probably did have some arthritic change before the injury, but she has had aggravation in relationship to the injury from twisting a lot [at] work as was discussed in detail with her."

These reports from Dr. Hritz are not sufficient to meet appellant's burden of proof. Only one of his reports, the one dated August 13, 1997, contains his opinion that the condition of appellant's knees is related to her employment, and this report contains no rationale to support the opinion that twisting at work aggravated the condition of her knees.² Moreover, Dr. Hritz's reports do not reflect a complete and accurate history of factors of appellant's employment, particularly that the pivoting to which she attributed her condition ended in 1990, six years before his initial report.

¹ *Froilan Negron Marrero*, 33 ECAB 796 (1982).

² Medical reports not containing rationale on causal relation are entitled to little probative value and are generally insufficient to meet an employee's burden of proof. *Ceferino L. Gonzales*, 32 ECAB 1591 (1981).

The decisions of the Office of Workers' Compensation Programs dated August 18, 1998 and October 9, 1997 are affirmed.

Dated, Washington, D.C.
May 1, 2000

Michael J. Walsh
Chairman

Willie T.C. Thomas
Alternate Member

Bradley T. Knott
Alternate Member