

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DAVID R. BYRD and DEPARTMENT OF THE AIR FORCE,
ROBINS AIR FORCE BASE, GA

*Docket No. 99-204; Submitted on the Record;
Issued May 16, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
WILLIE T.C. THOMAS

The issue is whether appellant established that his current condition is causally related to his August 20, 1996 accepted employment injury.

The Board has duly reviewed the case record and concludes that appellant has not established that his present knee condition is causally related to his August 20, 1996 employment injury.

In the present case, the Office of Workers' Compensation Programs accepted that appellant sustained a sprained right knee on August 20, 1996. On March 6, 1997 appellant filed a notice of recurrence of disability alleging that he suffered a recurrence on January 21, 1997.

In a report received by the Office on March 4, 1997, Dr. Elena H. Page reviewed the treatment appellant received for his knee beginning on August 22, 1996 and the history of appellant's knee injuries. She noted various knee injuries in 1994 and 1995. In particular, Dr. Page noted that appellant once twisted and dislocated his knee while on reserve duty in 1996. She stated that chondromalacia could occur with recurrent dislocation or isolated dislocation, if there was damage to the cartilage surface. Consequently, Dr. Page opined that she did not believe appellant's chondromalacia was caused by his employment at the employing establishment.

By decision dated July 29, 1997, the Office denied appellant's claim on the basis that he failed to establish that his condition was caused by his accepted injury. The Office stated that Dr. Page attributed appellant's condition to nonjob-related incidents and that appellant failed to submit medical evidence establishing that his current condition was related to the original injury.

On August 22, 1997 Dr. Greg Goings, an orthopedic surgeon, stated that he treated appellant in July 1994 for a right knee injury appellant sustained while crawling around a fuel tank of a plane. He stated that appellant's symptoms at that time of swelling and redness were classical signs of prepatellar bursitis. Dr. Goings indicated that he next treated appellant on January 21, 1997 for right knee pain and that appellant provided a history that he was working

on a plane, turned in an unusual fashion, and subsequently had knee pain. He diagnosed chondromalacia of the patella causally related to appellant's initial case of prepatellar bursitis in 1994, which was further aggravated by appellant's continuing to climb around on his knees.

By decision dated November 4, 1997, the Office reviewed the merits of the case and found that the evidence submitted in support of the application was not sufficient to warrant modification of the prior decision. In an accompanying memorandum, the Office noted that Dr. Goings' August 15, 1997 report failed to contain a history of appellant's August 1996 injury and failed to contain a reasoned medical opinion relating appellant's present condition to that injury. It, therefore, found that appellant failed to establish a recurrence of disability causally related to the claimed injury.

On December 29, 1997 appellant requested reconsideration. In support, he submitted a December 23, 1997 report from Dr. Going, who recorded the history of appellant's injuries in 1994 and 1996. He stated that appellant subsequently continued to have unrelenting pain in his right knee and that following surgery he was diagnosed with severe chondromalacia of the patella and loose cartilage. Dr. Goings opined that appellant's present problems stemmed from the twisting injury appellant incurred to his knee in 1996. He indicated that chondromalacia occurred following a knee injury and that appellant's chondromalacia was well documented. He concluded that there was a definite causal relationship between appellant's present condition and the incident in 1996.

By decision dated January 9, 1998, the Office reviewed the merits of the case and found that the evidence submitted in support of the application was not sufficient to warrant modification of the prior decision. The Office indicated that Dr. Goings' report was based on an inaccurate history because he based his opinion on the presence of a twisting injury in 1996 which was not supported by the record.

On March 27, 1998 appellant again requested reconsideration. In support, he submitted a January 15, 1998 letter from Dr. Goings who stated that appellant's injury was obviously related to his working on his knees rather than a twisting injury. He stated that he still felt strongly that appellant's present knee condition was causally related to working on his knees.

By decision dated April 15, 1998, the Office reviewed the merits of the case and found that the evidence submitted in support of the application was not sufficient to warrant modification of the prior decision. In an accompanying memorandum, the Office noted that Dr. Goings was unaware that appellant suffered a dislocated knee while on reserve duty as documented by Dr. Page. It, therefore, accorded Dr. Goings' report little weight.

Where appellant claims a recurrence of disability to an accepted employment-related injury, he has the burden of establishing by the weight of the reliable probative evidence that the recurrence of the condition for which he seeks compensation is causally related to the accepted employment injury.¹ As part of this burden, appellant must submit rationalized medical opinion evidence based on a complete and accurate factual and medical background showing a causal relationship between the current condition and the accepted employment-related injury.

¹ See *Henry L. Kent*, 34 ECAB 361 (1982); *Dennis E. Twadzik*, 34 ECAB 536 (1983).

In the present case, appellant relies on the August 22 and December 23, 1997, and March 27, 1998 reports of Dr. Goings, an orthopedic surgeon, to support his assertion that his present knee condition, chondromalacia, is causally related to his August 20, 1996 injury. In these reports, Dr. Goings fails to explain why appellant's chondromalacia is causally related to his August 20, 1996 employment injury as appellant asserts in his March 6, 1997 notice of recurrence of disability. For example, in his August 22, 1997 report, Dr. Goings relates appellant's present condition to a 1994 injury and completely fails to discuss the August 20, 1996 injury. Moreover, Dr. Goings provides no medical rationale for his conclusion in his December 23, 1997 report that there was a definite causal relationship between appellant's present condition and the employment incident in 1996. Moreover, in this report, he attributes appellant's injury to a twisting incident in 1996 which is not established as factual by the evidence of record. In his January 15, 1998 report, Dr. Goings changed his opinion relating appellant's injury to a twisting incident in 1996 and instead he attributes appellant's injury to working on his knees. Nevertheless, he still provides no explanation for his conclusion that appellant's chondromalacia stems from the August 20, 1996 employment injury. Accordingly, because appellant failed to furnish a medical opinion based on an accurate history and supported by sound medical reasoning establishing that his present condition is causally related to his August 20, 1996 accepted employment injury, he has failed to meet his burden of proof to establish a recurrence of disability.²

The decisions of the Office of Workers' Compensation Programs dated April 15 and January 9, 1998, and November 4, 1997 are affirmed.

Dated, Washington, D.C.
May 16, 2000

Michael J. Walsh
Chairman

David S. Gerson
Member

Willie T.C. Thomas
Alternate Member

² *Lourdes Davila*, 45 ECAB 139 (1993).