

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of LISA M. GOLINO and U.S. POSTAL SERVICE,
POST OFFICE, Larchmont, NY

*Docket No. 99-252; Submitted on the Record;
Issued May 23, 2000*

DECISION and ORDER

Before MICHAEL J. WALSH, BRADLEY T. KNOTT,
A. PETER KANJORSKI

The issue is whether appellant has established a recurrence of disability commencing June 15, 1998.

In the present case, the record indicates that appellant has several traumatic injury claims with respect to her right and left knees. The Office of Workers' Compensation Programs accepted that appellant sustained a torn meniscus of the left knee in the performance of duty on April 5, 1996, internal derangement of the right knee on May 31, 1997, right knee strain on October 31, 1997 and right knee strain on January 29, 1998. On July 7, 1998 she filed a claim for a recurrence of disability commencing June 15, 1998. Appellant indicated that she had developed chondromalacia in both knees.

By decision dated September 17, 1998, the Office denied appellant's claim for a recurrence of disability.

The Board has reviewed the record and finds that appellant has not established a recurrence of disability commencing June 15, 1998.

A person who claims a recurrence of disability due to an accepted employment-related injury has the burden of establishing by the weight of the substantial, reliable and probative evidence that the disability for which she claims compensation is causally related to the accepted injury. This burden of proof requires that a claimant furnish medical evidence from a physician who, on the basis of a complete and accurate factual and medical history, concludes that the disabling condition is causally related to the employment injury and supports that conclusion with sound medical reasoning.¹

In the present case, appellant has sustained employment injuries to both knees and it appears that her claim for a recurrence of disability is based on both knees. To the extent that appellant is claiming a bilateral chondromalacia as contributing to disability as of June 15, 1998,

¹ *Robert H. St. Onge*, 43 ECAB 1169 (1992); *Dennis J. Lasanen*, 43 ECAB 549 (1992).

she must submit probative medical evidence that establishes both that the diagnosed condition is causally related to the employment injuries, and caused disability as of June 15, 1998. In a note dated June 16, 1998, Dr. Toni Field, a specialist in emergency medicine, diagnosed patellar tendinitis and chondromalacia patellae, and indicated that appellant could not return to work until June 20, 1998. Dr. Field did not discuss causal relationship with employment. In a report dated June 25, 1998, Dr. Mitchell Kaphan, an orthopedic surgeon, indicated that appellant was totally disabled from June 21, 1998 until further notice. Dr. Kaphan noted possible Lyme disease vs. rheumatoid arthritis and did not provide an opinion on causal relationship between appellant's disability and her employment injuries. In a form report (Form CA-20) dated July 28, 1998, Dr. Kaphan diagnosed chondromalacia patella and checked a box "yes" that the condition was causally related to employment. Dr. Kaphan provided an incomplete history and provided no medical reasoning with respect to a disabling chondromalacia causally related to appellant's federal employment. The checking of a box "yes" in a form report, without additional explanation or rationale, is not sufficient to establish causal relationship.² In a narrative report dated August 25, 1998, Dr. Kaphan provided a history and diagnosed chondromalacia left and right, but does not offer an opinion on causal relationship with employment or discuss disability for work as of June 15, 1998.

None of the medical evidence of record provides a reasoned medical opinion, based on a complete background, with respect to an employment-related disability commencing on June 15, 1998. Accordingly, the Board finds that appellant has not met her burden of proof and the Office properly denied the claim.

The decision of the Office of Workers' Compensation Programs dated September 17, 1998 is affirmed.

Dated, Washington, D.C.
May 23, 2000

Michael J. Walsh
Chairman

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member

² See *Barbara J. Williams*, 40 ECAB 649, 656 (1989).