

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of ANNA HOITINGA and DEPARTMENT OF VETERANS AFFAIRS,
VETERANS ADMINISTRATION MEDICAL CENTER, Prescott, AZ

*Docket No. 00-1666; Submitted on the Record;
Issued May 22, 2001*

DECISION and ORDER

Before DAVID S. GERSON, A. PETER KANJORSKI,
PRISCILLA ANNE SCHWAB

The issue is whether appellant has established that the medical care she received beginning September 1999 is causally related to her January 28, 1997 employment injury.

On February 4, 1997 appellant, then a 58-year-old registered nurse, filed a claim for an injury to her left knee and hip sustained on January 28, 1997 when she tripped over a cord and fell. The Office of Workers' Compensation Programs accepted a sprain of the left knee and leg, and also authorized surgery for a torn medial meniscus.

On April 30, 1997 Dr. Thomas J. Peters, a Board-certified orthopedic surgeon, performed a partial medial meniscectomy and a debridement of the medial femoral condyle and the patellar femoral joint. In a report dated May 13, 1997, Dr. Peters released appellant to return to work on June 1, 1997 without major restrictions. Dr. Peters noted that appellant "does have some manifestations of degenerative arthritis of the patella femoral joint which appears to be directly attributable to the blow on the patella."

On June 29, 1999 appellant filed a claim for a recurrence of disability related to her January 28, 1997 employment injury. Appellant indicated that she had not stopped work, and that the claim was for medical treatment only. Describing the recurrence, appellant stated that a resident fell in December 1998 and was hard to pick up, that appellant suffered pain and swelling which had increased in frequency and severity, and that she now had swelling, pain and a pinching sensation in her knee joint with weight bearing and with normal daily activities.

By letter dated August 26, 1999, the Office advised appellant of the evidence it needed to support her claim for a recurrence, including a physician's opinion, with supporting explanation, explaining the causal relationship between her condition and the original injury. Appellant submitted a September 7, 1999 medical report noting two months of continual left knee pain, diagnosing probable degenerative joint disease, and setting forth work tolerance limitations. She also submitted a report comparing x-rays of her knee done on September 10, 1999 to ones done on February 4, 1997, a report of a magnetic resonance imaging scan of her left knee done on

September 21, 1999 which stated that the narrowing and spurring visualized on the scan “could be related to repetitive stress or bone bruising,” and a December 22, 1999 report from Dr. Peters regarding his recent treatment of appellant.

By decision dated February 18, 2000, the Office found that the medical evidence was insufficient to establish that appellant’s condition and treatment beginning September 1999 were causally related to her January 28, 1997 employment injury.

The Office’s obligation to pay for medical treatment under section 8103 of the Federal Employees’ Compensation Act¹ extends only to treatment for employment-related conditions, and appellant has the burden of establishing that the requested treatment is for the effects of an employment injury.² This burden includes the necessity of furnishing rationalized medical evidence supporting an employment relationship.³

The Board finds that appellant has not met her burden of proving that the medical care she received beginning in September 1999 is causally related to her January 28, 1997 employment injury.

The Office accepted that appellant sustained a left knee sprain and a tear of the medial meniscus of the left knee on January 28, 1997 and paid for surgery and other medical treatment for these conditions. The last medical report regarding such treatment was dated June 12, 1997. In support of her recurrence claim, appellant submitted evidence showing that she again underwent treatment to her knee beginning in September 1999, but none of the reports addressed whether this treatment was for residuals of the January 28, 1997 employment injury.⁴ Thus, the evidence does not establish that appellant’s treatment of her knee beginning in September 1999 was causally related to her January 28, 1997 employment injury.

¹ 5 U.S.C. § 8103.

² *Zane H. Cassell*, 32 ECAB 1537 (1981).

³ *Radford Barr*, 31 ECAB 1462 (1980).

⁴ Subsequent to the Office’s February 18, 2000 decision, appellant submitted a February 24, 2000 report from Dr. Peters addressing causal relation between her arthritic changes and her employment injury. However, as the Board’s review is limited by 20 C.F.R. § 501.2(c) to the evidence in the record at the time of the Office’s final decision, the Board may not consider this report on appeal.

The February 18, 2000 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC
May 22, 2001

David S. Gerson
Member

A. Peter Kanjorski
Alternate Member

Priscilla Anne Schwab
Alternate Member