

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of HAYDEE MARTINEZ and U.S. POSTAL SERVICE,
HATO RAY STATION, San Juan, PR

*Docket No. 01-833; Submitted on the Record;
Issued October 29, 2001*

DECISION and ORDER

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

The issue is whether appellant has met her burden of proof in establishing that she developed a right knee condition due to factors of federal employment.

Appellant, a 32-year-old distribution window clerk, filed a notice of occupational disease alleging that she sustained a right knee condition due to factors of her employment. The Office of Workers' Compensation Programs requested additional factual and medical information from appellant by letter dated September 29, 2000. By decision dated January 17, 2001, the Office denied appellant's claim finding that she failed to submit the necessary medical opinion evidence.

The Board finds that appellant has failed to meet her burden of proof in establishing that she developed a right knee condition due to factors of her federal employment.

To establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (1) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; and (3) medical evidence establishing that the employment factors identified by the claimant were the proximate cause of the condition for which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant. The evidence required to establish causal relationship is rationalized medical opinion evidence, based upon a complete factual and medical background, showing a causal relationship between the claimed condition and identified factors. The belief of a claimant that a condition was caused or aggravated by the employment is not sufficient to establish causal relation.¹

¹ *Lourdes Harris*, 45 ECAB 545, 547 (1994).

In this case, appellant attributed her right knee condition to standing, walking, lifting and bending in the performance of federal employment. In support of her claim, appellant submitted a magnetic resonance imaging report dated August 24, 2000 diagnosing torn medial meniscus and small effusion. Therefore appellant has both established a medical condition and identified the employment factors to which she attributed her condition.

Appellant also submitted a series of reports from Dr. Mark E. Trautmann Peters, who performed a right knee arthroscopy on October 11, 2000 and submitted a series of treatment notes. In response to Dr. Peters' request for information, appellant noted that she attributed her knee condition to frequent walking and lifting. As neither Dr. Peters nor any other physician provided an opinion on the causal relationship between appellant's diagnosed meniscal tear and her employment factors, appellant has failed to submit the necessary medical evidence to meet her burden of proof and the Office properly denied her claim.

The January 17, 2001 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
October 29, 2001

Michael J. Walsh
Chairman

Bradley T. Knott
Alternate Member

A. Peter Kanjorski
Alternate Member