

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JOHN F. SUTFIN and DEPARTMENT OF AGRICULTURE,
FOREST SERVICE, NORTH FORK RANGER DISTRICT, North Fork, ID

Docket No. 02-1904; Submitted on the Record;
Issued December 19, 2002

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
A. PETER KANJORSKI

The issue is whether appellant has established that he sustained an injury in the performance of duty.

On November 20, 2001 appellant, then a 46-year-old forestry technician, filed a traumatic injury claim alleging that on September 8, 2001 he experienced discomfort in his right knee while walking downhill in his work. Appellant stated that he noticed discomfort while riding horses at work and that it became more intense on November 14, 2001 while he was riding a horse at work. On the reverse of the claim form, William O. Hickey, appellant's supervisor, indicated that appellant was actively engaged in work when he mentioned that his knee was hurting.

In support of his claim, appellant submitted a November 24, 2001 report of Dr. S.J. Sunderland, a Board-certified radiologist, revealing the results of a November 23, 2001 magnetic resonance imaging (MRI) scan of his right knee. Dr. Sunderland diagnosed a tear of the medial meniscus, and moderate effusion and mild to moderate chondromalacia of the medial hyaline articular cartilage over the tibial surface.

Appellant also submitted a November 27, 2001 report of Dr. R.J. Seim, a Board-certified orthopedic surgeon, indicating a history of his injury, medical treatment and social and family background. Dr. Seim noted his findings on physical examination and a review of appellant's medical records. He stated that he was reasonably sure that appellant had a torn meniscus of the right knee and he scheduled surgery to repair this condition.

Dr. Seim's December 3, 2001 report indicated that appellant underwent surgery for a torn medial meniscus of the right knee on that date. His postoperative diagnosis was the same as his preoperative diagnosis with the addition of mild degenerative changes about the femoral condyle.

By letter dated April 12, 2002, the Office of Workers' Compensation Programs advised appellant that the evidence submitted was insufficient to establish his claim. The Office requested that appellant submit additional factual and medical evidence supportive of his claim.

On April 22, 2001 appellant responded to the Office's questions by providing the names of witnesses of the September 8, 2001 incident, a description of the immediate effects of his injury and his condition between the date of injury and the date he first received medical treatment, whether he had sustained any similar disability or symptoms prior to the injury, and an explanation for his delay in seeking medical attention and discrepancy regarding the actual time he sustained the alleged injury.

By decision dated May 20, 2002, the Office found the evidence of record insufficient to establish that appellant sustained an injury caused by factors of his federal employment.

The Board finds that appellant has failed to establish that he sustained an injury in the performance of duty.

An employee seeking benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of his or her claim, including the fact that an injury was sustained in the performance of duty as alleged and that any disability and/or specific condition for which compensation is claimed are causally related to the employment injury.² The medical evidence required to establish a causal relationship, generally, is rationalized medical opinion evidence.³

Rationalized medical opinion evidence is medical evidence, which includes a physician's rationalized opinion on the issue of whether there is a causal relationship between the claimant's diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of the claimant, must be one of reasonable medical certainty, and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the specific employment factors identified by the claimant.⁴ The mere fact that a condition 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 condition became apparent during a period of employment, nor the belief of appellant that the condition was caused by or aggravated by employment conditions is sufficient to establish causal relation.⁵

In this case, appellant alleged that he suffered a right knee injury while in the performance of duty. The Office, however, found that appellant did not submit sufficient

¹ 5 U.S.C. §§ 8101-8193.

² *Jerry D. Osterman*, 46 ECAB 500 (1995); *see also Victor J. Woodhams*, 41 ECAB 345, 352 (1989).

³ *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

⁴ *See Victor J. Woodhams*, *supra* note 2 at 351-52; *William E. Enright*, 31 ECAB 426, 430 (1980).

⁵ *Manuel Garcia*, 37 ECAB 767, 773 (1986); *Juanita C. Rogers*, 34 ECAB 544, 546 (1983).

medical evidence explaining how his medical condition was caused by the implicated factor of his federal employment.

Dr. Sunderland's November 24, 2001 MRI report revealing that appellant had a possible torn medial meniscus, and moderate effusion and mild to moderate chondromalacia of the medial hyaline articular cartilage over the tibial surface failed to address the critical issue in this case, whether appellant's medical condition was caused or contributed to by the September 8, 2001 incident.

Similarly, Dr. Seim's November 27, 2001 report finding that appellant had a torn meniscus and December 3, 2001 report providing a description of appellant's surgery for this condition and an additional diagnosis of mild degenerative changes about the femoral condyle failed to address whether appellant's conditions was caused by the September 8, 2001 incident.

As appellant has failed to submit any rationalized medical evidence establishing that he sustained an injury causally related to the September 8, 2001 incident, the Board finds that appellant has failed to discharge his burden of proof in this case.

The May 20, 2002 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
December 19, 2002

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member

A. Peter Kanjorski
Alternate Member