

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of LOIS A. NEFF and DEPARTMENT OF THE INTERIOR,
CUT AHOGA VALLEY NATIONAL PARK, Brecksville, OH

*Docket No. 02-539; Submitted on the Record;
Issued July 17, 2002*

DECISION and ORDER

Before MICHAEL J. WALSH, ALEC J. KOROMILAS,
WILLIE T.C. THOMAS

The issue is whether appellant sustained a left knee injury causally related to a work incident on April 30, 2001.

On May 8, 2001 appellant, then a 36-year-old park ranger, filed a notice of traumatic injury and claim for compensation alleging that on April 30, 2001, while retrieving jacket and items from her patrol vehicle, she turned to close the driver's door and felt a sharp pain in her left knee. Appellant did not miss any time from work.

In a June 4, 2001 letter, the Office of Workers' Compensation Programs advised appellant of the factual and medical evidence required to establish a traumatic injury claim.

In a decision dated July 12, 2001, the Office denied compensation finding that appellant failed to establish fact of injury. The Office noted that while appellant may have experienced the work incident on April 30, 2001 as alleged, she did not submit any medical evidence to establish that she had a medical condition or that she was injured as a result of the April 30, 2001 work incident.

On July 19, 2001 appellant requested reconsideration and submitted a medical report dated June 26, 2001 from Dr. Gregory Hill, an osteopath. Dr. Hill related that appellant was "unloading equipment and twisted her knees," having an "odd sensation that the knee was going to buckle." He related that appellant tried ice packs for the first couple of days but her left knee became increasingly sore and had an odd sensation that her knee was going to buckle. He noted that appellant presented with left knee pain. On physical examination Dr. Hill reported that there was no evidence of acute swelling of the knee and that appellant had full range of motion. He noted only mild joint discomfort with palpation. Dr. Hill indicated that left knee x-rays were normal and diagnosed a left knee strain, for which he recommended conservative treatment.

In a decision dated October 10, 2001, the Office denied modification of its prior decision.

The Board finds that appellant failed to establish that she sustained a left knee injury causally related to a work incident on April 30, 2001.

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 the individual is an "employee of the United States" within the meaning of the Act, that the claim was timely filed within the applicable time limitation period of the Act, 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 These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.³

To determine whether an employee has sustained a traumatic injury in the performance of duty, it must first be determined whether a "fact of injury" has been established. First, the employee must submit sufficient evidence to establish that he or she actually experience the employment incident at the time, place and in the manner alleged.⁴ Second, the employee must submit sufficient evidence, generally only in the form of medical evidence, to establish that the employment incident caused a personal injury.⁵ An employee may establish that an injury occurred in the performance of duty as alleged but fail to establish that his or her disability and/or a specific condition for which compensation is claimed are causally related to the injury.⁶

Causal relationship is a medical issue and the medical evidence required to establish a causal relationship, generally, is rationalized medical evidence.⁷ Rationalized medical evidence is medical evidence which includes a physician's rationalized medical 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.⁸ The mere fact that a disease 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 disease became apparent

¹ 5 U.S.C. § 8101 *et seq.*

² *Elaine Pendleton*, 40 ECAB 1143 (1989).

³ *Id.*

⁴ *Shirley A. Temple*, 48 ECAB 404 (1997); *see John J. Carlone*, 41 ECAB 354 (1989).

⁵ *Id.*

⁶ *Shirley A. Temple*, *supra* note 4.

⁷ *Mary J. Briggs*, 37 ECAB 578 (1986).

⁸ *Shirley A. Temple*, *supra* note 4; *Gary L. Fowler*, 45 ECAB 365 (1994).

during a period of employment nor the belief of appellant that the disease was caused or aggravated by employment conditions is sufficient to establish causal relationship.⁹

In this case, appellant failed to carry her burden of proof to submit a rationalized medical opinion to establish a causal relationship between her diagnosed left knee strain and the April 30, 2001 work incident.¹⁰ The Board does not consider Dr. Hill's opinion to be reasoned as it fails to discuss how appellant's description of the April 30, 2001 work incident resulted in a left knee strain. He also does not support his diagnosis of left knee strain with any objective evidence, only appellant's complaints of pain. Finally, Dr. Hill's June 26, 2001 report is inconsistent with the CA-1 claim form in which appellant suggested that she was removing a jacket and "some items" from the truck when she experienced left knee pain. She did not describe unloading equipment as suggested by Dr. Hill. Because the medical evidence is insufficient to establish that appellant suffered a left knee strain causally related to the April 30, 2001 work incident, the Board concludes that the Office properly denied compensation.

The decisions of the Office of Workers' Compensation Programs dated October 10 and July 12, 2001 are hereby affirmed.

Dated, Washington, DC
July 17, 2002

Michael J. Walsh
Chairman

Alec J. Koromilas
Member

Willie T.C. Thomas
Alternate Member

⁹ See *Victor J. Woodhams*, 41 ECAB 345 (1989).

¹⁰ The Office accepted appellant's description of the April 30, 2001 work incident.