

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of JAMES E. HARPER and DEPARTMENT OF THE ARMY,
DISTRIBUTION OPERATIONS FACILITY, St. Louis, MO

*Docket No. 01-1978; Submitted on the Record;
Issued June 18, 2002*

DECISION and ORDER

Before ALEC J. KOROMILAS, COLLEEN DUFFY KIKO,
DAVID S. GERSON

The issue is whether appellant has established that he sustained an injury in the performance of duty on January 10, 2000.

The Board has duly reviewed the case record and finds that appellant failed to establish that he sustained an injury in the performance of duty on January 10, 2000.

On January 11, 2000 appellant, then a 50-year-old packer, filed a claim alleging that on January 10, 2000 while performing his duties, *i.e.*, placing boxes on a pallet, he turned and his right knee popped causing his knee to swell and become painful. By letter dated October 31, 2000 the Office advised appellant that further information was needed to process his claim and advised him of the information needed. However, in its May 9, 2001 decision, the Office of Workers' Compensation Programs found that the evidence submitted was insufficient to establish that an injury resulted from the incident.

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 and that the claim was filed within the applicable time limitations of the Act.² An individual seeking disability compensation must also establish that an injury was sustained at the time, place and in the manner alleged,³ that the injury was sustained while in the performance of duty,⁴ and that the disabling condition for which compensation is claimed was caused or aggravated by the

¹ 5 U.S.C. §§ 8101-8193.

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

³ *Robert A. Gregory*, 40 ECAB 478 (1989).

⁴ *James E. Chadden, Sr.*, 40 ECAB 312 (1988).

individual's employment.⁵ 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.⁶

To determine whether a federal 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 experienced the employment incident at the time, place and in the manner alleged.⁷ 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.⁸ The medical evidence required to establish causal relationship is usually rationalized medical evidence. 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.⁹

There is no dispute that appellant is a federal employee, that he timely filed his claim for compensation benefits and that the incident occurred as alleged.

The Board finds that appellant has not established that the January 10, 2000 employment incident resulted in an injury. To support the claim, appellant submitted a January 19, 2000 authorization for examination and/or treatment, Form CA-16, by Dr. Rick Wright, who specializes in sports medicine-orthopedic surgery; an August 28, 2000 report by Dr. Wright; a November 13, 2000 attending physician's report, Form CA-20, by Dr. Kyu S. Cho, a Board-certified orthopedic surgeon.

In this case, there is no rationalized medical opinion evidence supporting a causal relationship between appellant's employment and his diagnosed condition of right knee meniscal tear. On the CA-16 Dr. Wright diagnosed a meniscal tear, but also stated that x-rays were normal and a magnetic resonance imaging had not yet been performed. Dr. Wright also did not address how appellant's condition was causally related to the accepted January 10, 2000 employment incident. In August 28, 2000 office notes, Dr. Wright stated that appellant had mild degenerative joint disease along with medial meniscus tears. Dr. Wright failed to causally relate these conditions to the accepted January 10, 2000 employment incident or to explain how performing his duties on that day caused or aggravated appellant's conditions. On a November 13, 2000 Form CA-20, Dr. Cho gave a date of injury of August 2, 2000, gave a

⁵ *Steven R. Piper*, 39 ECAB 312 (1987).

⁶ *David J. Overfield*, 42 ECAB 718 (1991); *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁷ *John J. Carlone*, 41 ECAB 354 (1989).

⁸ *Id.* For a definition of the term "injury" see 20 C.F.R. § 10.5(ee).

⁹ *Id.*

diagnosis of degenerative arthritis and checked “yes” to the question regarding whether the degenerative arthritis was caused or aggravated by appellant’s employment activity.¹⁰ Dr. Cho failed to causally relate appellant’s accepted January 10, 2000 employment incident to the diagnosed condition.

None of the medical evidence submitted provided an opinion with supporting rationale causally relating a diagnosed condition to the January 10, 2000 employment-related incident. Therefore, none of the evidence is sufficient to establish appellant’s traumatic injury claim. By letter dated October 31, 2000, the Office advised appellant of the type of evidence needed to establish his claim, but such evidence was not sufficient to establish causal relationship. Therefore, the Board finds that the evidence of record is insufficient to meet appellant’s burden of proof.

The decision dated May 9, 2001 of the Office of Workers’ Compensation Programs is affirmed.

Dated, Washington, DC
June 18, 2002

Alec J. Koromilas
Member

Colleen Duffy Kiko
Member

David S. Gerson
Alternate Member

¹⁰ *Ruth S. Johnson*, 46 ECAB 237 (1994). The Board has held that when a physician’s opinion on causal relationship consists only of checking “yes” to a form question, that opinion has little probative value and is insufficient to establish causal relationship. Appellant’s burden included the necessity of furnishing an opinion from a physician who supports his conclusion with sound medical reasoning. *See Lucrecia M. Nielsen*, 42 ECAB 583 (1991).