

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of KIM WHITEHURST and U.S. POSTAL SERVICE,  
POST OFFICE, Chicago, IL

*Docket No. 01-1608; Submitted on the Record;  
Issued March 12, 2002*

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DECISION and ORDER

Before MICHAEL J. WALSH, ALEC J. KOROMILAS,  
A. PETER KANJORSKI

The issue is whether appellant has met his burden of proof in establishing that he sustained a bilateral knee condition causally related to factors of his federal employment.

On November 28, 2000 appellant, then a 45-year-old letter carrier filed a notice of occupational disease and claim for compensation (Form CA-2), alleging that he sustained a bilateral knee condition due to factors of his federal employment. He alleged that, after standing everyday to case his mail, he has "knee and back trouble when" he gets "to the street to deliver the route." Appellant also stated that climbing up and down stairs "is bad," and causes him to be "slower at walking." Finally, he stated that, while his condition does not make him incapacitated, the pain and discomfort in his knees are "bad for" his "duties and responsibilities." On the reverse of the form, appellant's supervisor did not indicate that appellant stopped working.

Accompanying his claim, appellant submitted a prescription form dated November 28, 2000, signed by Dr. Adrienne Burford-Foggs, a Board-certified internist, who indicated that appellant suffered from severe knee pain and should be placed on limited duty and recommended that appellant walk no more than two hours a day. Dr. Burford-Foggs also indicated that appellant could return to work on November 30, 2000.

Appellant also submitted a return to duty certification from the employing establishment medical unit, dated November 29, 2000, which noted that appellant could return to light-duty work on November 30, 2000.

Additionally, appellant submitted National Association of Letter Carriers form for need for intermittent leave for a reduced work schedule, under the Family Medical Leave Act (FMLA), based on his health condition, signed August 29, 2000. He also submitted a medical certification regarding his condition. This form is dated August 29, 2000 and signed by Dr. Burford-Foggs, who diagnosed appellant's condition as chronic osteoarthritis of the knees.

Dr. Burford-Foggs noted that appellant is not incapacitated by his condition, however, “he experiences severe, episodic pain in the knees, exacerbated by ambulation.”

In a January 3, 2001 letter, the Office of Workers’ Compensation Programs advised appellant that the information submitted in his claim was not sufficient to determine whether appellant was eligible for benefits under the Federal Employees’ Compensation Act.<sup>1</sup> Specifically, the Office found that the medical evidence submitted failed to show the relationship between appellant’s knee condition and his postal service employment. Appellant was directed to provide a rationalized medical report showing how factors of his federal employment contributed to his condition.

In response to the Office’s letter, appellant submitted a personal statement, dated January 31, 2001, detailing his work duties and his medical condition. Additionally, he attached numerous medical invoices, several leave request forms and notes from his doctor regarding days he was seen in her office. Appellant also forwarded a copy of the FMLA documentation, which he had previously submitted.

By decision dated March 13, 2001, the Office denied appellant’s claim. The Office found that there was no evidence establishing that appellant’s knee condition was caused by factors of his federal employment.

The Board finds that appellant has not met his burden of proof in establishing that he sustained a bilateral knee condition causally related to factors of his federal employment.

An employee seeking benefits under the Act 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.<sup>2</sup> These are essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.<sup>3</sup>

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 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.

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<sup>1</sup> 5 U.S.C. §§ 8101-8103.

<sup>2</sup> *Elaine Pendleton*, 40 ECAB 1143 (1989).

<sup>3</sup> *Daniel J. Overfield*, 42 ECAB 718, 721 (1991); *Victor J. Woodhams*, 41 ECAB 345 (1989).

In the instant case, appellant has attributed his bilateral knee condition to factors of his job as a letter carrier in the course of his federal employment. The medical evidence from appellant's attending physician, however, is not sufficient to establish a causal relationship between the claimed condition and his federal employment. As noted above, the medical evidence must contain an opinion with supporting rationale. Appellant submitted an FMLA form signed by his attending physician, which diagnosed appellant's condition as chronic osteoarthritis of the knees, but appellant failed to submit any report which addressed the cause of appellant's condition. Since Dr. Burford-Foggs did not provide a medical rationale explaining why or how appellant's knee condition occurred while in the performance of his assigned duties, her notes are insufficient to establish appellant's claim. As appellant has failed to submit a rationalized medical report based on a complete factual and medical background explaining why his knee condition occurred in the performance of his federal employment, the Office properly denied his claim.

The decision of the Office of Workers' Compensation Programs dated March 13, 2001 is hereby affirmed.

Dated, Washington, DC  
March 12, 2002

Michael J. Walsh  
Chairman

Alec J. Koromilas  
Member

A. Peter Kanjorski  
Alternate Member