

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DANNIE OGLETREE and DEPARTMENT OF VETERANS AFFAIRS,
VETERANS ADMINISTRATION PALO ALTO HEALTHCARE SYSTEM,
Palo Alto, CA

*Docket No. 01-2028; Submitted on the Record;
Issued May 10, 2002*

DECISION and ORDER

Before MICHAEL J. WALSH, COLLEEN DUFFY KIKO,
A. PETER KANJORSKI

The issue is whether appellant has met his burden of proof in establishing that his right knee condition is causally related to his February 1, 2000 employment injury.

On February 1, 2000 appellant, then a 48-year-old food service worker, sat in a chair that collapsed, causing him to fall. He stated that he sustained bruises and scratches to his elbow and a swollen right knee. Appellant stopped working on February 8, 2000 and returned to work on February 11, 2000. On July 25, 2000 he underwent surgery for debridement of tears to the lateral and medial menisci of the right knee.

In an October 25, 2000 decision, the Office of Workers' Compensation Programs denied appellant's claim on the grounds that he had not met his burden of proof in establishing that his condition was causally related to the employment factor. He requested a hearing before an Office hearing representative which was conducted on March 28, 2001. In a May 22, 2001 decision, the Office hearing representative found that appellant had failed to present evidence which established the required causal relationship between the condition claimed and his employment. She therefore, affirmed the Office's October 25, 2000 decision.

The Board finds that appellant has failed to meet his burden of proof in establishing that his right knee condition is causally related to his February 1, 2000 employment injury.

A person who claims benefits under the Federal Employees' Compensation Act¹ has the burden of establishing the essential elements of his claim. Appellant has the burden of establishing by reliable, probative and substantial evidence that his medical condition was causally related to a specific employment incident or to specific conditions of employment.² As

¹ 5 U.S.C. §§ 8101-8193.

² *Margaret A. Donnelly*, 15 ECAB 40, 43 (1963).

part of such burden of proof, rationalized medical opinion evidence showing causal relation must be submitted.³ The mere fact that a condition manifests itself or worsens during a period of employment does not raise an inference of causal relationship between the condition and the employment.⁴ Such a relationship must be shown by rationalized medical evidence of causal relation based upon a specific and accurate history of employment incidents or conditions which are alleged to have caused or exacerbated a disability.⁵

Appellant submitted evidence to show that the collapse of the chair on February 1, 2000 caused him to fall onto his right knee. He also submitted medical evidence that described the treatment of his right knee condition. In a February 16, 2000 report, Dr. Anne D. Dembitzer, a Board-certified internist, stated that appellant reported injuring his right knee approximately two years previously. She diagnosed right knee effusion, most likely due to old trauma.

In an April 14, 2000 report, Dr. Guenther Knoblich, an orthopedic surgeon, reported that appellant was seen for right knee pain and had a history of pain since 1996, after falling from a stove while cleaning a vent, hitting his knee on a grill. In a May 11, 2000 report, Dr. Michael W. Grafe, an orthopedic surgeon and Dr. Kenneth G. Campbell, a Board-certified orthopedic surgeon, stated that appellant was seen for pain in the right knee. The physicians indicated that appellant gave a history of right knee pain for the prior two years after a fall. The physicians diagnosed right knee osteoarthritis. In a July 20, 2000 report, Dr. Stephen Imrie indicated that appellant initially fell while working in 1996 and had fallen on two subsequent occasions.

In an October 23, 2000 report, Dr. Dembitzer stated that appellant had sustained a work-related knee injury in 1998 and had chronic problems since that time. She indicated that appellant delivered food which required him to be constantly on his feet. Dr. Dembitzer concluded that this activity exacerbated appellant's underlying knee condition. She noted that appellant missed work due to his knee pain and missed work when physicians performed an arthroscopic procedure. In an April 17, 2001 report, Dr. Dembitzer stated that appellant injured his knee in approximately 1998 when he fell out of a chair while cleaning a vent. She indicated that he had intermittent episodes of knee pain associated with swelling. Dr. Dembitzer noted that he presented in February 2000 with a large effusion that required drainage. She referred him for additional treatment which resulted in a diagnosis of a medial meniscus tear for which he underwent surgery.

The physicians of record, particularly Dr. Dembitzer, reported appellant had right knee pain but gave histories of employment injuries in 1996 and 1998. None of the physicians gave a history of the February 1, 2000 incident. None of the physicians gave any opinion stating that appellant's fall on February 1, 2000 resulted in the torn menisci found in the right knee. None of the physicians gave an explanation on how the February 1, 2000 incident or any of the prior employment injuries would have caused the torn menisci. Appellant therefore, has not submitted

³ *Daniel R. Hickman*, 34 ECAB 1220, 1223 (1983).

⁴ *Juanita C. Rogers*, 34 ECAB 544, 546 (1983).

⁵ *Edgar L. Colley*, 34 ECAB 1691, 1696 (1983).

any rationalized medical evidence which clearly states that his right knee condition was causally related to the employment injury. As a result, he has not met his burden of proof.

The decisions of the Office of Workers' Compensation Programs, dated May 22, 2001 and October 25, 2000, are hereby affirmed.

Dated, Washington, DC
May 10, 2002

Michael J. Walsh
Chairman

Colleen Duffy Kiko
Member

A. Peter Kanjorski
Alternate Member