

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of PHILIP M. STAUB and U.S. POSTAL SERVICE,
POST OFFICE, Chester, PA

*Docket No. 02-1501; Submitted on the Record;
Issued November 6, 2002*

DECISION and ORDER

Before MICHAEL J. WALSH, COLLEEN DUFFY KIKO,
WILLIE T.C. THOMAS

The issue is whether appellant met his burden of proof to establish that he sustained an injury causally related to factors of employment.

On May 30, 2001 appellant, then a 43-year-old letter carrier, filed an occupational disease claim, alleging that walking at work caused degenerative changes in his knees. He did not stop work. In support of his claim, he submitted a report dated May 17, 2001 of a magnetic resonance imaging (MRI) of the right knee. By letter dated June 21, 2001, the Office of Workers' Compensation Programs informed appellant that the medical evidence submitted to date was insufficient to establish his claim and advised him that he needed to submit a comprehensive medical report explaining how specific employment activities caused or contributed to his condition. In a decision dated July 25, 2001, the Office denied the claim on the grounds that appellant failed to submit comprehensive medical evidence which included a rationalized medical opinion regarding how his condition was caused by employment factors. The instant appeal follows.¹

The Board finds that appellant failed to meet his burden of proof to establish that he sustained an employment-related condition.

¹ The Board notes that, concurrently with his appeal to the Board, appellant requested reconsideration with the Office and requested a review of the written record with the Branch of Hearings and Review of the Office. By decision dated July 15, 2002, the Office denied appellant's request for a review of the written record on the grounds that his request was untimely filed. The Office and the Board may not have simultaneous jurisdiction over the same issue in the same case. Following the docketing of an appeal with the Board, the Office does not retain jurisdiction to render a further decision regarding a case on appeal until after the Board relinquishes its jurisdiction. Any decision rendered by the Office on the same issues for which an appeal is filed, such as the July 15, 2002 decision in the instant case, is null and void. *See Noe L. Flores*, 49 ECAB 344 (1998).

An employee seeking benefits under the Federal Employees' Compensation Act² has the burden of establishing the essential elements of his or her claim³ including the fact that the individual is an "employee of the United States" within the meaning of the Act,⁴ that the claim was timely filed within the applicable time limitation period of the Act,⁵ 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.⁶ These are essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁷

Causal relationship is a medical issue,⁸ and the medical evidence required to establish a causal relationship is rationalized medical evidence. 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.⁹ Neither the mere fact that a disease or condition manifests itself during a period of employment nor the belief that the disease or condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.¹⁰

The medical evidence in the instant case merely includes an MRI report that does not contain an opinion regarding causal relationship.¹¹ The Board therefore finds that, as the record does not contain rationalized medical evidence that relates appellant's knee condition to employment factors, he did not establish that he sustained an employment-related injury.

² 5 U.S.C. §§ 8101-8193.

³ See *Daniel R. Hickman*, 34 ECAB 1220 (1983); see also 20 C.F.R. § 10.110.

⁴ See *James A. Lynch*, 32 ECAB 216 (1980); see also 5 U.S.C. § 8101(1).

⁵ 5 U.S.C. § 8122.

⁶ See *Melinda C. Epperly*, 45 ECAB 196 (1993).

⁷ See *Delores C. Ellyett*, 41 ECAB 992 (1990); *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁸ *Mary J. Briggs*, 37 ECAB 578 (1986).

⁹ *Gary L. Fowler*, 45 ECAB 365 (1994); *Victor J. Woodhams*, *supra* note 7.

¹⁰ *Minnie L. Bryson*, 44 ECAB 713 (1993); *Froilan Negron Marrero*, 33 ECAB 796 (182).

¹¹ The MRI demonstrated a tear to the posterior horn of the medial meniscus, a tear to the posterior horn of the joint capsule, and a tiny Baker's cyst.

The decision of the Office of Workers' Compensation Programs dated July 25, 2001 is hereby affirmed.¹²

Dated, Washington, DC
November 6, 2002

Michael J. Walsh
Chairman

Colleen Duffy Kiko
Member

Willie T.C. Thomas
Alternate Member

¹² There is additional evidence in the record that was filed with the Office after the July 25, 2001 decision; however, the jurisdiction of the Board is limited to the evidence that was before the Office at the time it issued its final decision; *see* 20 C.F.R. § 501.2(c). This decision does not preclude appellant from submitting additional evidence to the Office along with a request for reconsideration to have the additional evidence considered.