U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of GERALD J. GRIBLING and U.S. POSTAL SERVICE,
POST OFFICE, Philadelphia, PA

Docket No. 02-1623; Submitted on the Record;
Issued November 18, 2002

DECISION and ORDER

Before MICHAEL J. WALSH, DAVID S. GERSON,
WILLIE T.C. THOMAS

The issue is whether appellant sustained an injury in the performance of duty, as alleged.

On October 4, 2000 appellant, then a 53-year-old supervisor, filed a claim asserting that he injured his right knee on May 31, 2000, while helping to move a mail case in a trailer.

To support his claim, appellant submitted a May 11, 2001 report from Dr. David V. Craft, an orthopedic surgeon, who recounted the history of injury that appellant related to him and described appellant's treatment, including surgery. He addressed the issue of causal relationship as follows:

> "With respect to etiology of his injury, although he has evidence of chronic degenerative change in the medial compartment of the right knee as documented on his [o]perative [r]eport, it is certainly possible that the meniscus tear occurred as a result of the vigorous activity that he described as occurring on May 31, 2000. At some point, degenerative change in the meniscus becomes a meniscus tear and it may well be that the activity as described above triggered this event.
>
> "The above information is true and accurate within a reasonable degree of medical certainty."

In a decision dated June 18, 2001,[1] a hearing representative of the Office of Workers' Compensation Programs found that appellant had not met his burden of proof to establish that he sustained a right knee condition causally related to the May 31, 2000 employment incident. The hearing representative noted that the May 31, 2000 incident was established: Appellant stepped up into a trailer and helped to push a mail case which had started to topple over, backed up to an

[1] The Office finalized and issued the decision on June 19, 2001.

upright position.[2] The hearing representative found, however, that the medical evidence was insufficient to establish that the employment incident caused a personal injury.

The Board finds that appellant has not met his burden of proof to establish that he sustained an injury in the performance of duty, as alleged.

An employee seeking benefits under the Federal Employees' Compensation Act[3] has the burden of proof to establish the essential elements of his claim. When an employee claims that he sustained an injury in the performance of duty, he must submit sufficient evidence to establish that he experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. He must also establish that such event, incident or exposure caused an injury.[4]

As the hearing representative observed, it is accepted that appellant experienced a specific event, incident or exposure occurring at the time, place and in the manner alleged. The question for determination is whether this event, incident or exposure caused an injury.

Causal relationship is a medical issue[5] and the medical evidence generally required to establish causal relationship is rationalized medical opinion evidence. Rationalized medical opinion evidence is medical evidence that includes a physician's rationalized opinion on whether there is a causal relationship between the claimant's diagnosed condition and the established incident or factor of employment. The opinion of the physician must be based on a complete factual and medical background of the claimant,[6] must be one of reasonable medical certainty[7] and must be supported by medical rationale explaining the nature of the relationship between the diagnosed condition and the established incident or factor of employment.[8]

The May 11, 2001 opinion of Dr. Craft, appellant's orthopedic surgeon, is insufficient to establish causal relationship. He acknowledged only the possibility of a causal relationship between the May 31, 2000 employment incident and appellant's meniscal tear. Dr. Craft's opinion that "it may well be" that the incident triggered the event is speculative and equivocal. It is not necessary that appellant submit a reasoned medical opinion so conclusive as to suggest causal connection beyond all possible doubt,[9] but neither can such opinion be speculative or

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[2] The hearing representative did not accept details in Dr. Craft's history that were not previously established by the factual evidence.

[3] 5 U.S.C. §§ 8101-8193.

[4] *See Walter D. Morehead*, 31 ECAB 188, 194 (1979) (occupational disease or illness); *Max Haber*, 19 ECAB 243, 247 (1967) (traumatic injury). *See generally John J. Carlone*, 41 ECAB 354 (1989); *Elaine Pendleton*, 40 ECAB 1143 (1989).

[5] *Mary J. Briggs*, 37 ECAB 578 (1986).

[6] *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979).

[7] *See Morris Scanlon*, 11 ECAB 384, 385 (1960).

[8] *See William E. Enright*, 31 ECAB 426, 430 (1980).

[9] *Kenneth J. Deerman*, 34 ECAB 641, 645 (1983) and cases cited therein at note 1.

equivocal.[10] For this reason his opinion is of little probative value and is insufficient to establish the essential element of causal relationship. Appellant has not met his burden of proof.

The June 18, 2001 decision of the Office of Workers' Compensation Programs is affirmed.

Dated, Washington, DC
November 18, 2002

Michael J. Walsh
Chairman

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member

[10] *Philip J. Deroo*, 39 ECAB 1294 (1988), (although the medical opinion of a physician supporting causal relationship does not have to reduce the cause or etiology of a disease or condition to an absolute medical certainty, neither can such opinion be speculative or equivocal); *Jennifer Beville*, 33 ECAB 1970 (1982), (statement of a Board-certified internist that the employee's complaints "could have been" related to her work injury was speculative and of limited probative value).