

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of EDWARD L. BLAND and U.S. POSTAL SERVICE,
POST OFFICE, Washington, DC

*Docket No. 02-1878; Submitted on the Record;
Issued November 13, 2002*

DECISION and ORDER

Before MICHAEL J. WALSH, COLLEEN DUFFY KIKO,
DAVID S. GERSON

The issue is whether appellant met his burden of proof to establish that he sustained a right knee injury in the performance of duty.

On June 18, 2001 appellant, then a 49-year-old letter carrier, filed a traumatic injury claim alleging that he sustained a right knee injury when he hit his knee on a desk at work on May 24, 2001. Appellant later indicated that he banged his knee on his desk on numerous occasions prior to May 24, 2001. By decision dated August 9, 2001, the Office of Workers' Compensation Programs denied appellant's claim on the grounds that he did not submit sufficient medical evidence to establish that he sustained a right knee injury in the performance of duty. By decision dated April 23, 2002, an Office hearing representative affirmed the Office's August 9, 2001 decision.¹

The Board finds that appellant did not meet his burden of proof to establish that he sustained a right knee injury in the performance of duty.

An employee seeking benefits under the Federal Employees' Compensation Act² has the burden of establishing the essential elements of his 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

¹ In reaching his determination, the Office hearing representative considered all the employment factors implicated by appellant, *i.e.*, the May 24, 2001 employment incident as well as the prior occasions on which he banged his knee. He found that the medical evidence was not based on a complete factual and medical history and did not contain sufficient medical rationale to show that appellant sustained a right knee condition in the performance of duty.

² 5 U.S.C. §§ 8101-8193.

compensation is claimed are causally related to the employment injury.³ These are the essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁴

The medical evidence required to establish a causal relationship is rationalized medical opinion 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.⁵

Appellant did not submit sufficient medical evidence to establish that he sustained a right knee injury in the performance of duty.

On June 18, 2001 appellant first sought treatment of his right knee condition and on July 9, 2001 he came under the care of Dr. Rida N. Azer, an attending Board-certified orthopedic surgeon. Dr. Azer indicated, in his July 9, 2001 report, that appellant had traumatic synovitis and traumatic chondromalacia of his right knee.⁶ In a report dated October 12, 2001, Dr. Azer noted that appellant continued to have right knee pain and stated, "The patient's condition and the recommended treatment are caused by his work accident of May 24, 2001."⁷ In a report dated January 28, 2002, again indicated that appellant continued to have right knee pain and stated, "His condition is caused by his work injury May 24, 2001."

Dr. Azer's reports, however, are of limited probative value on the relevant issue in this case in that Dr. Azer did not adequately explain his conclusion on causal relationship.⁸ Dr. Azer did not supply any medical rationale for his opinion that appellant's right knee condition was related to the May 24, 2001 employment incident. Dr. Azer's opinion is of limited probative value for the further reason that it is not based on a complete and accurate factual and medical history.⁹ Dr. Azer implicated the May 24, 2001 employment incident but did not provide any

³ *Elaine Pendleton*, 40 ECAB 1143, 1145 (1989).

⁴ *Delores C. Ellyett*, 41 ECAB 992, 998-99 (1990); *Ruthie M. Evans*, 41 ECAB 416, 423-27 (1990).

⁵ *Victor J. Woodhams*, 41 ECAB 345, 351-52 (1989).

⁶ Appellant reported on an attached page to the report that, since he returned to work after hand surgery, he bumped his knee on his desk at times.

⁷ Dr. Azer noted appellant had reported "bumping his right knee for a long time; a period of about three to four months."

⁸ See *Leon Harris Ford*, 31 ECAB 514, 518 (1980) (finding that a medical report is of limited probative value on the issue of causal relationship if it contains a conclusion regarding causal relationship which is unsupported by medical rationale).

⁹ See *William Nimitz, Jr.*, 30 ECAB 567, 570 (1979) (finding that a medical opinion on causal relationship must be based on a complete and accurate factual and medical history).

notable description of this incident.¹⁰ Moreover, Dr. Azer did not clearly indicate what aspect of appellant's right knee condition he was attributing to the May 24, 2001 employment incident. He diagnosed traumatic synovitis and traumatic chondromalacia in his right knee, but did not indicate whether these conditions occurred on May 24, 2001 or at some earlier date, nor did he explain why appellant's right knee condition would not be solely related to some nonwork-related condition.¹¹

The decisions of the Office of Workers' Compensation Programs dated April 23, 2002 and August 9, 2001 are affirmed.

Dated, Washington, DC
November 13, 2002

Michael J. Walsh
Chairman

Colleen Duffy Kiko
Member

David S. Gerson
Alternate Member

¹⁰ Moreover, he noted appellant reported bumping his knee on prior occasions but he did not indicate whether these incidents contributed to his right knee condition.

¹¹ For example, he did not consider whether appellant had preexisting nonwork-related chondromalacia, a condition which often occurs due to natural degeneration over an extended period.