

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

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In the Matter of MARIE S. NELSON and U.S. POSTAL SERVICE,  
LACKLAND AIR FORCE BASE, Minneapolis, MN

*Docket No. 01-50; Oral Argument Held February 12, 2003;  
Issued April 24, 2003*

Appearances: *Marie S. Nelson, pro se, Miriam D. Ozur, Esq.,*  
for the Director, Office of Workers' Compensation Programs.

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DECISION and ORDER

Before COLLEEN DUFFY KIKO, DAVID S. GERSON,  
A. PETER KANJORSKI

The issue is whether appellant has established that she sustained bilateral hip and knee conditions in the performance of duty.

On February 17, 1999 appellant, a 63-year-old mail clerk, filed a Form CA-2 claim for benefits based on occupational disease, alleging that she developed bilateral knee and hip conditions causally related to factors of her employment. Appellant asserted on the form and in a February 22, 1999 written statement that these conditions were caused by the constant pulling of heavy mail flats away from a machine.

By letter dated August 17, 1999, the Office of Workers' Compensation Programs advised appellant that it required additional factual and medical evidence to determine whether she was eligible for compensation benefits. The Office asked appellant to submit a comprehensive medical report from her treating physician describing her symptoms and the medical reasons for her condition and an opinion as to whether her claimed condition was causally related to her federal employment. The Office requested that appellant submit the additional evidence within 30 days.

In a report dated August 31, 1999, Dr. Richard B. Edwards, an orthopedic specialist and appellant's treating physician, stated that appellant underwent arthroscopic surgery on her right knee on August 23, 1999 and recommended her release back to light work within two weeks. Dr. Edwards also submitted work and activity release forms dated August 31 and September 9, 1999 in which he noted that appellant underwent a meniscectomy on her right knee, checked a box indicating that this condition was work related and opined that she could return to work with limitations on September 6, 1999.

In a report dated September 15, 1999, Dr. Edwards stated:

“[Appellant] gave a good history of a twisting-type turning injury at work sustaining the injury to the meniscus of her right knee.... [A]s people get a little bit older, the meniscus cartilages in the knee become somewhat softer, somewhat degenerative and only takes a simple twisting, bending-type motion to produce problems and subsequent tears. It is my opinion, that this is how [appellant] did this to her knee. Her knee had been fine before.”

By decision dated October 25, 1999, the Office denied appellant’s claim on the grounds that she did not submit medical evidence sufficient to establish that the claimed medical conditions were causally related to her federal employment.

By letter dated November 17, 1999, appellant requested a hearing, which was held on May 2, 2000.

In a report dated May 8, 2000, Dr. Edwards stated:

“[Appellant] had recent arthroscopy of her right knee back in August of 1999, and in my estimation this is related to a [w]orkers’ [c]omp[ensation] problem. She has documented several incidences at the [employing establishment] where she is doing heavy lifting of magazines, bending and stooping and she is confirmed that she has had knee problems. She had a good history of repeated problems at work and this was relayed to me in August of 1999.”

By decision dated June 28, 2000, an Office hearing representative affirmed the October 25, 1999 Office decision.

The Board finds that appellant did not meet her burden of proof to establish that she sustained bilateral hip and knee conditions in the performance of duty.

An employee seeking benefits under the Federal Employees’ Compensation Act has the burden of establishing that 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. These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.

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 the 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.

The medical evidence required to establish causal relationship is usually rationalized medical 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.

In this case, appellant failed to submit medical evidence demonstrating a causal relationship between her claimed hip and knee conditions and factors of her employment. The medical evidence consists of several reports from Dr. Edwards, which was not sufficient to establish that her claimed bilateral hip and knee conditions were disabling or causally related to her employment. Dr. Edwards noted generally that appellant's right knee condition and her surgery were causally related to her employment, but did not explain or indicate how factors of employment contributed to her claimed hip and knee conditions. Causal relationship must be established by rationalized medical opinion evidence; however, these reports did not contain a probative, rationalized medical opinion indicating that her claimed conditions were causally related to factors of her federal employment. Dr. Edwards' opinion on causal relationship is of limited probative value in that he did not provide adequate medical rationale in support of his conclusions.<sup>1</sup> Moreover, his opinion is of limited probative value for the further reason that it is generalized in nature and equivocal in that he only noted summarily that appellant's conditions were causally related to a twisting, turning type of injury; Dr. Edwards did not clarify how her claimed hip and knee conditions could have been caused by the twisting, turning type of injury she related to him, given that appellant stated on the claim form and in her written statement that her injuries were caused by the repeated pulling of heavy bundles of flat mail. Thus, Dr. Edwards did not have an accurate and complete history of the employment factors which have caused the claimed hip and knee conditions.<sup>2</sup> Furthermore, the form reports from Dr. Edwards that support causal relationship with a checkmark are insufficient to establish the claim, as the Board has held that without further explanation or rationale, a checked box is not sufficient to establish causation.<sup>3</sup>

An award of compensation may not be based on surmise, conjecture or speculation. Neither the fact that appellant's condition became apparent during a period of employment nor the belief that her condition was caused, precipitated or aggravated by her employment is sufficient to establish causal relationship. Causal relationship must be established by rationalized medical opinion evidence. The Office advised appellant of the type of evidence required to establish her claim; however, appellant failed to submit such evidence. Accordingly, as appellant failed to meet her burden to submit probative, rationalized medical evidence establishing that her claimed hip and knee conditions were caused by factors or incidents of her employment, the Office properly denied appellant's claim for compensation.

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<sup>1</sup> *William C. Thomas*, 45 ECAB 591 (1994).

<sup>2</sup> *See Geraldine H. Johnson*, 44 ECAB 745 (1993).

<sup>3</sup> *Debra S. King*, 44 ECAB 203 (1992); *Salvatore Dante Roscello*, 31 ECAB 247 (1979).

The decisions of the Office of Workers' Compensation Programs dated June 28, 2000 and October 25, 1999 are hereby affirmed.

Dated, Washington, DC  
April 24, 2003

Colleen Duffy Kiko  
Member

David S. Gerson  
Alternate Member

A. Peter Kanjorski  
Alternate Member