

**United States Department of Labor
Employees' Compensation Appeals Board**

JENNIFER D. THOMAS, Appellant

and

U.S. POSTAL SERVICE, Newark, NJ, Employer

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**Docket No. 03-2166
Issued: December 24, 2003**

Appearances:

Jennifer D. Thomas, pro se

Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:

ALEC J. KOROMILAS, Chairman

MICHAEL E. GROOM, Alternate Member

A. PETER KANJORSKI, Alternate Member

JURISDICTION

On August 28, 2003 appellant filed a timely appeal from the Office of Workers' Compensation Programs' merit decision dated May 29, 2003. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of the case.

ISSUE

The issue on appeal is whether appellant has met her burden of proof in establishing that she developed a left knee condition in the performance of duty.

FACTUAL HISTORY

On March 10, 2003 appellant, then a 40-year-old letter carrier, filed an occupational disease claim alleging that she developed a left knee condition as a result of performing her letter carrier duties, which included walking, lifting and climbing steps. Appellant became aware of her condition on March 3, 2003 and did not stop work. In a written statement dated March 10,

2003, appellant indicated that on March 3, 2003 her left knee began cracking and swelling as a result of walking, climbing steps and lifting approximately 35 pounds while on her mail route.¹

By letter dated March 24, 2003, the Office asked appellant to submit additional information, including a comprehensive medical report from her treating physician to provide a reasoned explanation as to how the identified work factors caused or contributed to her left knee condition.

In treatment notes dated July 23, 2002 to March 10, 2003, Dr. Juluru P. Rao, a Board-certified orthopedic surgeon, noted appellant's right knee pain. Dr. Rao reported that there was no history of trauma and x-rays revealed narrowing of the medial joint space. He noted that appellant had preexisting osteoarthritis and a tear of the medial meniscus. He recommended light duty and physical therapy. His notes of December 27, 2002 and March 10, 2003 mention pain in the left knee with some positive findings on physical examination. In a report dated April 29, 2003, the physician advised that he treated appellant on April 16, 2003 for left knee pain, swelling and tenderness over the medial joint line. The physician noted that an x-ray revealed degenerative joint disease and recommended a magnetic resonance imaging (MRI) scan. Appellant reported to Dr. Rao that her knee condition was work related. An MRI scan of the left knee on May 7, 2003 revealed an oblique tear involving the posterior horn of the medial meniscus.

In a decision dated May 29, 2003, the Office denied appellant's claim on the grounds that the medical evidence was not sufficient to establish that her condition was caused by the factors of her federal employment. The Office noted that the treatment records of Dr. Rao did not provide a rationalized opinion on whether appellant's work caused or aggravated her left knee condition.

LEGAL PRECEDENT

An employee seeking benefits under the Federal Employees' Compensation Act has the burden of establishing 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 filed within the applicable time limitation 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 is 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 occupational disease.²

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

¹ Appellant indicated that at the time of her current left knee condition she was on limited-duty status as a result of a right knee injury.

² *Gabe Brooks*, 51 ECAB 184 (1999).

or occurrence of the disease or condition; and (3) medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant. The medical opinion 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.³

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.⁴ The weight of medical evidence is determined by its reliability, its probative value, its convincing quality, the care of analysis manifested and the medical rationale expressed in support of the physician's opinion.⁵

ANALYSIS

Appellant alleged that she developed a left knee condition as a result of performing her letter carrier duties, which consisted of walking, lifting and climbing steps. She submitted treatment notes from Dr. Rao, a Board-certified orthopedist. The Board finds that the medical evidence is insufficient to establish that appellant developed an employment-related left knee condition. The medical evidence submitted from Dr. Rao is deficient as several records refer to treatment of appellant's right knee condition and is, therefore, not relevant to the claimed left knee condition. Although the physician mentioned left knee pain in his reports of December 27, 2002 and March 10, 2003, Dr. Rao did not provide an opinion regarding the cause of appellant's left knee symptoms. Medical evidence which does not offer an opinion regarding the cause of an employee's claimed condition is of limited probative value on the issue of causal relationship.⁶ Dr. Rao's report of April 29, 2003 advised that appellant was treated for left knee pain, swelling and tenderness over the medial joint line. However, he noted that x-rays revealed degenerative joint disease. Although Dr. Rao noted that "she is stating that this work relating, [sic]" he merely repeated appellant's belief that her left knee condition was work related without providing his own medical opinion addressing the issue of causal relation.⁷ As Dr. Rao did not provide a reasoned medical explanation of how appellant's left knee condition was caused by her employment duties, his opinion is insufficient to establish that she developed an employment-related left knee injury.

³ *Solomon Polen*, 51 ECAB 341 (2000).

⁴ *Gloria J. McPherson*, 51 ECAB 441 (2000).

⁵ *James Mack*, 43 ECAB 321 (1991).

⁶ *Michael E. Smith*, 50 ECAB 313 (1999).

⁷ *See Earl David Seal*, 49 ECAB 152 (1997).

CONCLUSION

The Board finds that the medical reports of Dr. Rao do not provide an opinion that appellant developed an employment-related left knee injury in the performance of duty. Appellant failed to meet her burden of proof.⁸

ORDER

IT IS HEREBY ORDERED THAT the May 29, 2003 decision of the Office of Workers' Compensation Programs is affirmed.⁹

Issued: December 24, 2003
Washington, DC

Alec J. Koromilas
Chairman

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member

⁸ See *Calvin E. King*, 51 ECAB 394 (2000).

⁹ The Board notes that appellant submitted medical evidence with her appeal to the Board. The Board cannot consider this evidence, however, as its review of the case is limited to the evidence of record which was before the Office at the time of its final decision. 20 C.F.R. § 501.2(c).