

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DENNIS A. PRICE and U.S. POSTAL SERVICE,
POST OFFICE, Providence, RI

*Docket No. 03-1090; Submitted on the Record;
Issued July 1, 2003*

DECISION and ORDER

Before DAVID S. GERSON, WILLIE T.C. THOMAS,
MICHAEL E. GROOM

The issue is whether appellant sustained a knee condition in the performance of duty.

On November 26, 2002 appellant, then a 44-year-old letter carrier, filed an occupational disease claim alleging that his right knee condition was due to employment factors.

In a letter dated December 6, 2002, the Office of Workers' Compensation Programs advised appellant of the type of factual and medical evidence needed to establish his claim and requested that he submit such evidence. The Office particularly requested that appellant submit a physician's reasoned opinion addressing the relationship of his claimed condition and specific employment factors.

In response to the Office's request, appellant submitted a December 13, 2002 report and an undated medical report by Dr. A. Louis Mariorenzi, an attending Board-certified orthopedic surgeon, a duty status report dated December 13, 2002, correspondence from the employing establishment dated November 18, December 11 and 21, 2002 and a December 24, 2002 statement attributing his right knee condition to his increased work hours. Dr. Mariorenzi diagnosed a medial meniscus tear and recommended arthroscopic intervention in his December 13, 2002 report. He opined that, based upon appellant's description of his job activities, "and based on the activity review he handed to me, it is probable that this meniscal tear may have resulted from his occupational injury." In the undated medical note, Dr. Mariorenzi indicated right knee surgery was scheduled for January 9, 2003 and appellant would be out of work for approximately three to four weeks.

By decision dated January 27, 2003, the Office denied appellant's claim on the grounds that the medical evidence was insufficient to establish that his condition was caused by employment factors.

The Board finds that appellant has failed to meet his burden of proof to establish that his right knee condition is causally related to his federal employment.

An employee seeking benefits under the Federal Employees' Compensation Act¹ 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, 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.² These are the essential elements of each compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease claim.³

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.⁴

The medical evidence required to establish causation, generally, 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.⁵ 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.⁶

In the instant case, it is not disputed that appellant worked overtime. However, appellant has not submitted sufficient medical evidence to support that a condition has been diagnosed in connection with the employment factor he identified and that the right knee condition is causally related to the employment factors or conditions. On December 6, 2002 the Office advised appellant of the type of medical evidence needed to establish his claim.

To support his November 26, 2002 claim, appellant submitted reports from Dr. Mariorenzi, including a December 13, 2002 and one that was undated. In his December 13, 2002 report, Dr. Mariorenzi concluded that, based upon appellant's description of his job duties, "it is probable that this meniscal tear may have resulted from his occupational injury."

¹ 5 U.S.C. §§ 8101-8193.

² *Elaine Pendleton*, 40 ECAB 1143 (1989).

³ *Gabe Brooks*, 51 ECAB 184 (1999).

⁴ *Robert A. Boyle*, 54 ECAB ____ (Docket No. 02-2177, issued January 27, 2003); *Donna L. Mims*, 53 ECAB ____ (Docket No. 01-1835, issued August 13, 2002).

⁵ *John W. Montoya*, 54 ECAB ____ (Docket No. 02-2249, issued January 3, 2003)

⁶ *Victor J. Woodhams*, 41 ECAB 345 (1989).

While the opinion of a physician supporting causal relationship need not be one of absolute medical certainty, neither can such opinion be speculative or equivocal.⁷ The fact that the etiology of a disease or condition is unknown or obscure does not shift the burden of proof to the Office to disprove an employment relationship. Neither does the absence of a known etiology relieve appellant of the burden of establishing a causal relationship, by the weight of the evidence, which includes an affirmative medical opinion based on the material facts with supporting rationale.⁸

The Board finds that the reports of Dr. Marioenzi are of diminished probative value as they do not contain a rationalized medical opinion detailing how appellant's condition was caused by his employment. He failed to provide a definitive opinion on the cause of appellant's meniscal tear beyond noting that it was "probably" an occupational injury in his December 13, 2002 report. Therefore, the opinion of Dr. Marioenzi is speculative and equivocal in nature and is thus insufficient to establish that appellant sustained an injury due to employment factors.⁹ In addition, Dr. Marioenzi did not describe the duties that appellant performed as a letter carrier and he offered no medical reasoning to explain how these particular duties caused or contributed to appellant's right knee meniscal tear and the need for surgery. His undated report is insufficient as he did not provide any opinion as to the causal relationship between the recommended surgery and appellant's employment.

Despite being advised by the Office of the deficiencies in his medical evidence, appellant failed to submit an affirmative rationalized medical opinion addressing the issue of causal relationship and consequently failed to meet his burden of proof. Accordingly, the Office properly denied his claim.

⁷ *Judith J. Montage*, 48 ECAB 292, 294 (1997).

⁸ *Id.*

⁹ *Jennifer L. Sharp*, 48 ECAB 209 (1996) (medical opinions which are speculative or equivocal in nature have little probative value).

The January 27, 2003 decision of the Office of Workers' Compensation Programs is hereby affirmed.

Dated, Washington, DC
July 1, 2003

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member

Michael E. Groom
Alternate Member