

U. S. DEPARTMENT OF LABOR

Employees' Compensation Appeals Board

In the Matter of DONNA L. JONES and U.S. POSTAL SERVICE,
POST OFFICE, Elyria, OH

*Docket No. 03-334; Submitted on the Record;
Issued March 11, 2003*

DECISION and ORDER

Before COLLEEN DUFFY KIKO, DAVID S. GERSON,
WILLIE T.C. THOMAS

The issue is whether appellant has met her burden of proof in establishing that her claimed knee conditions, including the surgeries she underwent on January 14 and March 4, 1997 are causally related to her employment.

This is the third time this case has been before the Board. To briefly summarize the facts, appellant filed a claim for benefits on June 30, 1997, alleging that she sustained knee conditions causally related to factors of her employment. By decision dated October 9, 1997, the Office of Workers' Compensation Programs denied the claim, finding that appellant did not submit medical evidence sufficient to establish a causal relationship between the claimed conditions and factors of her employment. In a decision issued May 1, 2000,¹ the Board affirmed the October 9, 1997 Office decision. By decision dated August 9, 2000, the Office denied reconsideration. In a decision dated June 26, 2001,² the Board affirmed the August 9, 2000 Office decision.

By letter dated July 27, 2001, appellant's attorney requested reconsideration. She submitted a February 1, 2001 report from Dr. Victor P. Strimbu, a Board-certified orthopedic surgeon, in which he essentially reiterated findings and conclusions he stated in a report dated June 29, 2000, which was previously considered by the Office in its August 9, 2000 decision. Dr. Strimbu stated:

“[Appellant] clearly had an injury on July 22, 1997, which the patient said was a twisting injury that occurred while lifting a mailbag. The patient has required continued treatment of her knees since that time, both left and right. That is a single identifiable injury that I can document in my notes that would be considered a clear cut injury that aggravated her underlying arthritis in her left knee. I did not have a complete history of the factors of the patient's employment

¹ Docket No. 99-75 (issued May 1, 2000).

² Docket No. 00-2831 (issued June 26, 2001).

and the particular jobs that she was doing from 1990 until my initial assessment at that time. I am sure you can understand my difficulty in this situation trying to support a claim of aggravation of a preexisting condition from my review of [my colleague's] notes over an eight[-]month period where the patient did not relate her knee problem to her work-related activities.

“Because of the patient’s lack of association between her original knee problems and the eight[-]month gap before she said that this was work related, I think it is difficult to give an absolute statement in regards to a causal relationship between her knee problems and her job.... I would also have to agree that I do not have absolute knowledge of a complete and accurate history of the factors of employment.

By decision dated September 24, 2002, the Office denied reconsideration.

The Board finds that appellant failed to meet her burden of proof to establish that her claimed knee conditions, including the surgeries she underwent on January 14 and March 4, 1997 are causally related to her employment.

Appellant has the burden of establishing by the weight of the reliable, probative and substantial evidence that her condition was caused by her employment. As part of this burden she must present rationalized medical opinion evidence, based on a complete factual and medical background, showing causal relation.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 appellant’s diagnosed condition and the implicated employment factors. The opinion of the physician must be based on a complete factual and medical background of appellant, 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 appellant.⁴

In this case, appellant has not submitted sufficient medical evidence indicating that her knee conditions and surgeries were causally related to factors of her employment. In this regard, the Board has held that the mere fact that a condition manifests itself during a period of employment does not raise an inference that there is a causal relationship between the two.⁵ Neither the fact that the condition became apparent during a period of employment nor the belief that the condition was caused or aggravated by employment factors or incidents is sufficient to establish causal relationship.⁶ Causal relationship must be substantiated by reasoned medical opinion evidence which is appellant’s responsibility to submit. In the instant case, appellant failed to submit a medical report pertaining to the claimed conditions which contained a

³ *Arlonia B. Taylor*, 44 ECAB 591, 595 (1993).

⁴ *Victor J. Woodhams*, 41 ECAB 345 (1989).

⁵ *See Joe T. Williams*, 44 ECAB 518, 521 (1993).

⁶ *Id.*

rationalized medical opinion addressing and explaining why her claimed condition was causally related to factors or incidents of her employment.

Dr. Strimbu's February 1, 2001 report does not constitute sufficient medical evidence to establish a causal connection between appellant's employment and her claimed knee condition. Causal relationship must be established by rationalized medical opinion evidence; however, this report did not contain a probative, rationalized medical opinion indicating that her claimed condition was causally related to factors of her federal employment. Dr. Strimbu's opinion on causal relationship is of limited probative value in that he did not provide adequate medical rationale in support of his conclusions.⁷ He did not describe appellant's accident in any detail or how the accident would have been competent to cause the claimed knee conditions. 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 the July 22, 1997 twisting injury. Dr. Strimbu acknowledged that he did not have an accurate and complete history of the employment factors which caused the claimed knee conditions.⁸ His conclusions were of a summary nature and his report did not contain a rationalized medical opinion addressing and explaining why her claimed conditions and disability were caused by factors or incident of her employment. Accordingly, as appellant failed to meet her burden to submit probative, rationalized medical evidence establishing that her claimed knee conditions were caused by factors or incidents of her employment, the Office properly denied appellant's claim for compensation.

The decision of the Office of Workers' Compensation Programs dated September 24, 2002 is hereby affirmed.

Dated, Washington, DC
March 11, 2003

Colleen Duffy Kiko
Member

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member

⁷ *William C. Thomas*, 45 ECAB 591 (1994).

⁸ *See Geraldine H. Johnson*, 44 ECAB 745 (1993).